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Contents.

CURRENT TOPICS.

The Liverpool meeting was probably, in point of numbers, the largest provincial meeting of the Incorporated Law Society which has ever been held. The weather was more propitious than last year; but, notwithstanding the outdoor attractions, there were fairly good audiences during the reading of papers. Fuller opportunity for discussion might have been desirable, and it seems worthy of consideration whether the number of papers might not with advantage be reduced.

The appeals set down to come on before the two divisions of the Court of Appeal in the Michaelmas Sittings are in number 44 before the Court of Appeal No. 2, and 75 before Court of Appeal No. 1. There is no very material variation in this respect from the number of appeals in former sittings. Now there are 117, in the Trinity Sittings there were 108, and in the Michaelmas Sittings, 1894, there were 120.

The lists of matters to be heard in the Chancery Division during the Michaelmas Sittings will consist of 93 before Mr. Justice Chitty, 112 before Mr. Justice North, 104 before Mr. Justice Stirling, 98 before Mr. Justice Kekewich, and 42 before Mr. Justice Romer, making a total of 449 in all, as compared with 403 in the Trinity Sittings, and 443 a year ago. It cannot, therefore, be said that there is any falling off in the work of the Chancery Division.

There are in the Chancery Division a considerable number of witness actions. It will be found that there are 65 before Mr. Justice Chitty, 52 before Mr. Justice North, 48 before Mr. Justice Stirling, 70 before Mr. Justice Kekewich, and 42 before Mr. Justice Romer. These added together make 277, and, compared with previous records, there were 236 in Trinity Sittings, 1895, and 246 in the Michaelmas Sittings of 1894.

We regret to learn that Mr. Gloster, the efficient cause clerk, is about to retire from his post on account of ill-health. His retirement will be deplored in all branches of the courts, for his assiduous attention to his duties and his courtesy have secured universal esteem. His long service as an officer of the court brought him in contact, not only with members of both branches of the legal profession, but more especially with a long succession of judges, and it is no exaggeration to say that he was a favourite with all. Everyone will hope that he may live long to enjoy the retiring pension to which he has become entitled.

The long delay in filling up the appointment of Vice-Chancellor of the County Palatine of Lancaster has, after all, borne good fruit. Mr. Samuel Hall, Q.C., the new Vice-Chancellor, is known as a sound lawyer, an experienced Chancery practitioner, and a man possessed of many judicial qualities. He commenced his professional career in the court over which he is to preside, and if the triple offices of Attorney-General to the Duchy of Lancaster, Queen's Attorney, and Serjeant of the County Palatine, recently held by him, did not bring him into frequent connection with the court, they at all events kept up his knowledge of its practice, and presumably also of the points in which the judicial arrangements failed to

content the practitioners. We shall be surprised if the Manchester Incorporated Law Association, to whose action in the matter we recently referred, are not satisfied with the new appointment.

Mr. Lake's able and interesting paper on "Conveyancing Reform," read at the Liverpool meeting, was, naturally enough, followed up by a proposal that the Council of the Incorporated Law Society be requested to put forward amendments to the system of land transfer on the lines recommended by Mr. Wolstenholme and Mr. Hunter. In the course of the discussion it came out that the Council have already instructed Mr. Wolstenholme to draft a Bill on the lines of this proposal; but Mr. Roscoe took strong exception to the proposed resolution, on the ground that it would fetter the Council in the consideration of the draft Bill when it came before them. Mr. Roscoe's experience and soundness of judgment make it always a dangerous matter to differ with him on a matter of this kind, but, while we agree with him that the discussion which has hitherto occurred on the matter is not sufficient to justify approval of any specific scheme for the reform of land transfer, we do regret that Mr. Walters' resolution was not carried in some such form as "that the Council be requested to put forward amendments to the system of land transfer, either on the lines recommended by Mr. Wolstenholme and Mr. Hunter, or on other lines." What we are afraid will occur will be that which (if current report is correct) occurred last year in the council. Then, it is stated, Mr. Hunter's proposals were negatived, and we all know that nothing further was done. Now the proposals in Mr. Wolstenholme's draft Bill will, in all probability, be negatived, and nothing further will be done. There does not seem to be much chance of any scheme for conveyancing reform receiving the support of the Council when there are members who, like Mr. Pennington, are prepared to declare that "they were perfectly well as they were. They did not want any alterations whatever, except the alterations suggested by Mr. Hunter in his paper at Bristol in the law of real property, and matters of that sort. A great deal might be done to amend the law in these respects, but he thought the present system enabled them to do their conveyancing work in the simplest, easiest, and readiest way." We are disposed to doubt whether this attitude is likely to be successful either with the public or with Parliament.

The paper on "Commercial Causes and Costs," read at the Liverpool meeting by Mr. Ernest Todd (which we print elsewhere), is full of interesting and suggestive matter. It deals with the actual course of business in the conduct of a "commercial cause" before Mathew, J.; it contrasts the amount of business in the Commercial Court with that in the London Chamber of Arbitration; it makes suggestions for a new scheme of solicitors' remuneration in litigious matters, and for the settlement of the amount by the judge at the hearing instead of by the taxing master; and it points out what classes of disputes can, and what cannot, be won back from arbitration to the courts. Upon the last point Mr. Todd refers to disputes arising on the form of contract adopted in particular trades—such as, to quote his own example, the beet sugar trade. Disputes of this nature relate to technical trade matters, and they can be settled with a minimum waste of time and expenditure of money by the trade Chamber of Arbitration. As Mr. Todd points out, there is no likelihood of such disputes ever swelling the cause lists at the courts. But he presents figures which shew that the Commercial Court has already attracted business of a more general nature, and that it has proved far more acceptable than the London Chamber of Arbitration. The Chamber was inaugurated in November, 1892. Since that date, says Mr. Todd, it has had before it some thirty cases in all. The commercial list, on the other hand, has already had put into it 130 cases; 97 of these have been tried, and 26 have been settled, for the most part through the intervention of the judge. And these cases, it is said, by no means comprise only transfers from the general list. An appreciable portion are found to be cases in which arbitration clauses have been waived in view of the advantages offered by the Commercial Court. But Mr. Todd's paper tempts us to say, as we have often said before, what are the advantages of the Commercial Court which are not equally due to the suitors in all the other courts? If Mr. Justice Mathew, by having seisin of a commercial cause from the beginning, and by marking out the course of litigation, can save so much time and complication, why should not every other cause be conducted under similar conditions? The greater the success of the Commercial Court the more loudly will this question call for an answer.

The current number of the *Law Quarterly Review* contains, under the title of "The Vocation of the Common Law," the address delivered by Sir Frederick Pollock last June, to the Harvard Law School. It is needless to say that it forms very interesting reading. What with legislation and equity and the advocates of the Roman law, the common law has had much to contend with. The effect of the Statute of Uses in confounding the straightforward principles of our mediæval ancestors is quaintly described in a passage which should indelibly fix that statute in the minds of students. "It is no fault of theirs [*i.e.*, of our ancestors aforesaid] that the arbitrary legislation of the Tudor period plunged us into a turbid ocean, vexed by battles of worse than fabulous monsters, in whose depths the gleams of a *scintilla juris* may throw a darkling light on the gambols of executory limitations, a brood of coiling slippery creatures abhorred of the pure common law, or on the death struggle of a legal estate sucked dry in the octopus-like arms of a resulting use; while on the surface peradventure, a shoal of equitable remainders may be seen skimming the waves in flight from that insatiable enemy of their kind, an outstanding term." This smacks very much of "Alice in Wonderland," and the fight with the Jabberwok; but perhaps it is as well that the Jabberwok in this case was not slain, and that the Statute of Uses introduced an elasticity into conveyancing of which the Common Law was incapable. Sir Frederick Pollock does battle also for the independence of the common law against those who would too readily find the origin of legal conceptions at Rome. The estate in fee simple is not *dominium*, and the *rei-vindicatio* is altogether different from the writ of right. This of course has been abundantly shewn. Possession is at the root of ownership in English law. In Roman law, where it has seemed to be so much more prominent, it bears by no means the same importance. But Sir Frederick Pollock breaks new ground when he advocates the unification of English and America law in matters of general commercial principle by consultation between an English appellate tribunal—either the House of Lords or the Privy Council—and the judges of the Supreme Court of the United States. When the day for this and when the general harmony of nations has arrived, let us at least hope that the result will be the delivery of judgments based on some clear principle, and not the perpetuation of a score of judgments, each enunciating a different theory. The example of *Dalton* v. *Angus* (6 App. Cas. 740), to which Sir Frederick Pollock refers, and of other cases in which the House of Lords has consulted the judges, is not encouraging.

An important decision on the effect of the "reputed ownership" clause in bankruptcy was given by Stirling, J., recently in *Rutter* v. *Everett* (*ante*, p. 689). For the clause to come into operation it is necessary that goods should, at the commencement of the bankruptcy, be in the possession, order, or disposition of the bankrupt, with the consent of the true owner, under such circumstances that he is the reputed owner of the goods. *Primâ facie* it might be supposed that a clause of this kind would apply only to tangible goods, and not to trade debts. The credit of a trader is not increased by debts due to him, the existence of which is merely matter of surmise, and not of notoriety. But since *Ryall* v. *Rowles* (1 Ves. 348) it has been settled law that trade debts, in common with other *choses in action*, are included. After they have been assigned they remain in the order and disposition of the assignor until notice of the assignment has been given to the debtors; and since such notice is the step which ought to be taken by the assignee

in order to secure his title, it is presumed that, if he neglects to give it, the debts remain in the order and disposition of the bankrupt *with his consent*. The consent, however, must exist at the commencement of the bankruptcy, and the clause is effectually excluded if the consent has been in fact determined by the forwarding of notice to the debtor before that time, although the notice is not received by the debtor until after the bankruptcy (*Belcher* v. *Bellamy*, 2 Ex. 303). The sending of the notice shews the determination of the consent, and it is immaterial that, until receipt of the notice, the debts remain in the order and disposition of the bankrupt. In *Rutter* v. *Everett* (*supra*) it was contended that the appointment of a receiver at the instance of the assignee also shewed that the consent of the assignee had been withdrawn. In that case no notice was given to the debtors at the time of the assignment, nor was any notice given at or after the appointment of the receiver—an appointment made in the first instance under the Conveyancing Act, 1881, and subsequently by the court. But although the appointment of a receiver leads to a presumption that the assignee is about to interfere, and will shew that he has then withdrawn his consent if, within a reasonable time afterwards, notice is given, yet STIRLING, J., held that, under the circumstances, the consent had not been withdrawn, and the title of the trustee in the bankruptcy of the assignor prevailed. The mere appointment of a receiver, it is to be observed, does not without the further step of giving notice shift the control of the debts to him from the assignor.

THE QUESTION of consent under the "reputed ownership" clause was also discussed in *Re Mills' Trust* (*ante*, p. 721; 1895, 2 Ch. 564). A., being entitled to a reversionary interest under a will and being solvent, in 1861 made a post-nuptial settlement whereby he assigned this interest with other property to trustees upon trusts in favour of his wife and children. No notice of the settlement was given to the trustees of the will, nor was its existence known to the trustees named in it until after A.'s bankruptcy, which occurred in 1865. The settlement trustees thereupon rejected the trusts, though without executing any formal deed of disclaimer. At the date of the bankruptcy some of the beneficiaries under the settlement were infants. In 1868, the reversionary interest having fallen into possession, the surviving trustee of the will paid the proceeds into court under the Trustee Relief Act, and there they remained until the present year, when an assignee of A.'s estate in bankruptcy, appointed in 1894, claimed the fund on the ground that at the date of the bankruptcy the reversionary interest under the will was in the order or disposition of the bankrupt with the consent of the true owner. But to this there was an easy answer, and the Court of Appeal, affirming the judgment of KEKEWICH, J., dismissed the claim. Under the settlement the true owners of the property were either the trustees or the beneficiaries. But the trustees could not have consented, because they did not know of the settlement, and the beneficiaries could not collectively consent, because some of them were infants. The case shews—and this, indeed, is clear—that what is required in such a case to attract the clause is not merely want of notice to the holders of the fund, but actual consent on the part of the true owner, and where such consent cannot from the nature of the case be given, the clause does not apply.

WE ALL KNOW (says a correspondent whose vacation rambles have led him to the neighbourhood of Esher) that we must die, and most of us endeavour to provide for that contingency to the best of our power. But few of us carry our preparations for the event so far as the present Master of the Rolls has done. In Esher churchyard, just opposite the north entrance to the church, stands the tomb which Lord and Lady ESHER have erected to the memory of their son, who, if I remember rightly, was killed in the Soudan. It is a handsome tomb by WILLIAMSON, with a solid marble base about eight feet long, five feet broad, and rather over five feet high. On the surmounting slab, and under an elaborately carved canopy, supported by pillars at the four corners, are the recumbent life-size figures of Lord and Lady ESHER. The former is dressed in his full robes as Master of the Rolls, the latter in modern dress somewhat idealised, for artistic effect. The figures are admirable in design and composition, as Mr. WILLIAMSON's work invariably is, and if the onlooker were visiting this tomb as a kind of pilgrimage undertaken with a feeling of veneration for the memory of a distinguished ornament of the bench whom he remembered in his lifetime but who had passed away, the striking likeness of the sculptured effigy to the learned judge would bring a sense of sadness to the spectator that might even lead to the dropping of the conventional tear. But as things stand at present, the pilgrim to this tomb can hardly fail to realise the grim humour of it all. There, sure enough, is the Master of the Rolls in stone, and the very expression of his lordship's face in the effigy may still be seen in the flesh in the Court of Appeal on any day when a struggling junior is earnestly striving to state his case, and the presiding judge is rendering him that facetious assistance for which he is so noted, but which so often fails of appreciation at the time. If the sculptor's studio had been fixed in the Court of Appeal he could not have caught the well-known expression better.

THE LONG VACATION.

THE paper read by Mr. RAWLE at Liverpool (although not indorsed by the meeting) seems to offer a practicable solution of the "Long Vacation" question. In his historical retrospect of that institution, Mr. RAWLE points out that the result of early legislation was to lengthen the vacation, bringing the commencement of it into June and throwing the end into November; but although this continued to be the interval between the terms of Trinity and Michaelmas as long as terms existed, the courts sat out of term, and thereby prolonged the summer business into August. Practically the Long Vacation was from August 10 to November 2, and the Judicature Acts, while abolishing terms, left the real length of the sittings unaltered. Subsequently, in 1883, a slight alteration was made, and the Long Vacation was fixed to commence on August 12 and to finish on October 24.

This interval of ten weeks, during which business in the courts and offices of the High Court is practically suspended, has been the subject of frequent attack, and in recent years it has become evident that a change will have to be effected, either by reducing the length of the vacation, or by the granting of additional facilities for transacting business during vacation, or by a conbination of both methods. It may be that the existence of a vacation at all is theoretically indefensible. Mr. BUDD, in his address at Liverpool last week, called it an anachronism, and urged its abolition. The strict theoretical view was pushed to its extreme by BENTHAM, to whose criticisms Mr. RAWLE refers. He would have had the courts open all the year round, Sundays and Christmas Day excepted, and the attendance of the judges, or, during their brief absence "for health, recreation, and the conduct of their private affairs," of the auxiliary judges, enforced by the deliciously simple expedient of "daily payment nowhere but on the spot." But probably Mr. BUDD and other reformers of the present day would not insist on measures so drastic as this. There is no desire that the vacations at Christmas, Easter, and Whitsuntide—at any rate as to the two former—should be abolished, and obviously convenience requires that there should be some break in the work between Whitsuntide and Christmas.

The requirements of those who call for the abolition of the Long Vacation were formulated by the resolution in 1892 of the Legal Procedure Committee of the Incorporated Law Society. After a declaration that the Long Vacation, as such, should be entirely abolished, and the courts and offices be open continuously throughout the year, the resolution sanctioned the usual short recesses at Easter, Whitsuntide, and Christmas—though alternatively it suggested the abolition of the Whitsuntide recess—and allowed also a recess during the last week in August and the first week in September. It concluded with the recommendation "that each officer of the court, from the highest to the lowest, should by rotation have a long vacation, at a convenient period during the year, to be arranged by the heads of departments." A resolution in identical terms with the foregoing was, on the proposition of Mr. BLYTH, passed at the Norwich meeting of the Incorporated Law Society in 1892, but

the Council, when they took the matter into consideration, saw that so sweeping a change was impracticable, and instead of pressing it on, they endeavoured to arrange with the Lord Chancellor for the transaction as a matter of course during the Long Vacation of certain classes of business, in their nature administrative rather than judicial.

The suggestion of the Council was based upon the second mode of reform to which we have alluded above—the grant of increased facilities for the transaction of business during the Long Vacation without any interference with the vacation as such. At the present time, of course, "vacation business" is carried on both in court and in the offices. Provision to this end was a necessary condition of the perpetuation of the Long Vacation at the time of the Judicature Acts. But in practice the arrangements for chamber work are insufficient, and the Vacation Court has shewn no great desire to deal with the business that would come to it. Early in its history the profession were given clearly to understand that the term "vacation business" would be strictly construed, and that cases would be brought to the court at the risk of payment of costs by the applicant, should the judge not be satisfied that the matter was urgent. But this was not the way to make the Vacation Court the means of staving off interference with the Long Vacation. What the suitor and his advisers want is the chance of proceeding with any business which they think pressing, irrespective of the opinion of the judge who happens to constitute the Vacation Court; and the Long Vacation, if it is to continue to exist, must be founded, not on the refusal to entertain business which is brought to the court, but upon the fact that in the months of August and September the amount of business will be very much less than at other times of the year. In other words, the Long Vacation must be based upon the natural holidays of the business and professional classes.

These considerations are at the bottom of Mr. RAWLE'S scheme. So far as the administrative work of the High Court is concerned—that is, work which does not require the intervention of a judge—he goes further than the suggestions of the Council of the Incorporated Law Society. He sets aside the list of specific business which they pressed on Lord HERSCHELL, and he advocates that the offices of the High Court shall be closed only during the last week in August and the first week in September. For the rest of the vacation they would be open for the transaction of all kinds of business. This would involve a reduction in the length of the vacation at present enjoyed by the officers of the court, but Mr. RAWLE proposes that present officers should be remunerated for the extra duties they would have to perform, and future officers would be appointed upon terms of having only such a vacation as ordinary professional men are able to enjoy. The change is one to which no exception need be taken, and it would enable much of the regular work of a solicitor's office to go on unchecked. The chief doubt that arises on this part of the scheme is whether the work in Chancery chambers would not too frequently be found to be blocked through the absence of the judge, and the impossibility of referring matters to him. Possibly the difficulty might be met by applications to a Vacation Judge.

With reference to judicial work, Mr. RAWLE suggests only a slight change in the vacation. He would make it run from the first Monday in August to the first Monday in October, the conduct of actions being at the same time accelerated by allowing pleadings to be delivered at any time during the vacation. In advocating the retention of the judicial vacation Mr. RAWLE appears to be actuated chiefly by regard for the feelings of the judges and the traditions of the bench. It will be admitted that a judge is entitled to a considerable recess, and there are advantages in the judges taking their vacation simultaneously. At the same time, the requirements of the public have to be kept in view, and, as we have above pointed out, the policy of closing the courts to all suitors, except such as will stake the costs of the application on the chance of the judge holding their case to be urgent, must be abandoned. To his suggestion that the judicial vacation shall be retained, Mr. RAWLE appends the rider that the Vacation Court shall adopt a more liberal interpretation of "vacation business," and such an arrangement is essential to the success of his scheme. The limits assigned by Mr. RAWLE are in accordance with the holiday habits of the great majority of persons involved. There is no reason for keeping the courts shut in October. On the other hand, the concession of the early part of August avoids too sudden a diminution of the vacation and places its beginning at a more suitable time. In August and September the great bulk of litigious business would, in any case, be held over. The details of the scheme require consideration, especially as to the necessary reconstitution of the Vacation Court or Courts, but the scheme itself is moderate and practical, and deserves the attention of the Council of Judges, who, until the Legislature intervenes, are the arbiters in the matter.

WINDING UP DURING THE LEGAL YEAR 1894-1895.

I.

THE most important item of the legal year with reference to companies is, undoubtedly, *Broderip* v. *Salomon* (43 W. R. 641; 1895, 2 Ch. 323). Every lawyer, director, share or debenture holder, secretary and auditor has the facts of "the one-man company case" at his finger-ends, and most company lawyers say (to put it bluntly) that the decision of Mr. Justice VAUGHAN WILLIAMS was wrong, and that that of the Court of Appeal was absurd. The case is to be taken to the House of Lords, and it is, therefore, unnecessary to say more about it now than that it has been a stumbling block in the path of those who draft the documents of intended private companies. There are some valuable observations on the case at p. 460 of Mr. PALMER'S new edition of "Company Precedents."

The next case, in point of importance, is probably that of *Re London and General Bank* (43 W. R. 481; 1895, 2 Ch 166), the net result of which, as regards *decision*, is that auditors of a joint stock banking company, appointed under section 7 of the Companies Act, 1879, are officers of the company under section 10 of the Act of 1890, and that they are guilty of a misfeasance if loss accrue to the company through failure in their duty, which is not only to frame and certify balance-sheets, giving the position of the company as shewn by its books, but to find out and tell the shareholders what is the true financial position of the company. Probably the same ruling applies to auditors of all companies, unless they are casually — *i.e.*, *pro hac vice* — appointed, and whether they are so appointed depends on the special circumstances of each case. It must, however, be admitted that the question, "What are the duties of an auditor of a company?" is a most difficult one. Accountants, who are commonly selected to fill the post of auditor, differ widely in their views on the subject; and lawyers, who, as a rule, are not the best authorities on the subject of accounts, should pause before they give opinions in favour of the liability of auditors. The law must soon be defined by the Legislature, but it is to be hoped not before the subject has been thoroughly inquired into.

The efforts of the Incorporated Law Society and the Institute of Chartered Accountants (see 38 SOLICITORS' JOURNAL 460, 674) have at length been rewarded by some important changes being made in the rules.

Rule 45 of 1890, which required the holding of first meetings of creditors and contributories to be delayed until after the statement of affairs had been submitted to the official receiver, has now been annulled (rule 1 of Rules of the 2nd of April, 1895). But the meetings must still be held within twenty-one days after the date of the winding-up order, "or within such further time as the court may approve" (see Schedule I. to Act of 1890, r. 1), and there was, therefore, no necessity to annul the last part of rule 45, which contained directions as to applications to extend the time for summoning the meetings.

A radical change has been effected by rule 2 of April, 1895. Under section 6 of the Act of 1890, where there was a "difference between the determination of the meetings of creditors and contributories" as to the appointment of the liquidator and committee of inspection, the court had to "decide the difference" and make the requisite order. The words of the section were clear enough; but rule 63 (2) of 1890 directed the court to decide differences if "the creditors and contributories" were not "unanimous." It was held that there was a want of

unanimity if any creditor or contributory at either meeting dissented from the views of the majority: see *Re Johannesburg Gold Co.* (40 W. R. 456; 1892, 1 Ch. 583). The result generally was that the official receiver was appointed liquidator. Rule 63 (2) has now been annulled, and a new rule, rule 63 (2*a*), has been substituted for it, which is more consistent with section 6, and dispenses with the interference of the court where "the meetings have each passed the same resolution, or if the resolutions passed at the two meetings are identical in effect."

The Board of Trade under their special powers have altered the forms of (*a*) the advertisement of the meeting of the committee of inspection for sanction to a proposed call; and (*b*) the affidavit verifying a liquidator's account.

The winding-up judge has also made a practice rule requiring a special undertaking when affidavits—presumably only for or against a winding-up petition—are presented for filing out of time.

Several changes in the forms—notably that of a winding-up order—have been necessitated by the increase (in 1894) in the number of official receivers attached to the High Court of Justice.

During Mr. Justice VAUGHAN WILLIAMS' absence on circuit it has become the ordinary practice to transfer the winding-up business to Mr. Justice ROMER, who has despatched it in a manner which has won the admiration of the profession. Perhaps the leaders in his own court, however, think that the interference with the ordinary business of trying Chancery actions is not altogether for their benefit.

The Board of Trade Committee on Company Law has issued a report dealing rather with the formation than the winding up of companies, and it does not appear likely that any important changes in the practice are to be shortly made, unless, perhaps, with a view to restricting the remedies of debenture-holders.

CORRESPONDENCE.

AN ANOMALY IN THE RULES OF COURT.

[*To the Editor of the Solicitors' Journal.*]

Sir,—Will you permit me through your valuable columns to point out a glaring anomaly in the Rules of Court, so pronounced, in fact, that it has left a client of mine the proud possessor of a "wrong without a remedy."

The facts are simple. The client, after bringing an action in the Queen's Bench Division, has recovered judgment against an alien resident out of the jurisdiction. Needless to state, the action was grounded upon a writ as to which leave was given by a judge to issue and serve same abroad.

The problem now arises how to make this judgment bear fruit. The only asset available in England consists of certain shares in a limited company belonging to the defendant, and as regards these a charging order *nisi* was obtained and made absolute in due course.

Six months have long since elapsed from the date of the order absolute, and had the case been a purely English one a foreclosure action would have by this time been well advanced. But solely because the judgment debtor is a foreigner, mark the difference! In the case of *Moritz* v. *Stephan*, 36 W. R. 779, the judge has decided that a charging order has the effect of a contract only to *charge* the shares, and that there being no *breach* within the jurisdiction a writ cannot issue within the terms of the rules. Now, sir, is this not a halting and imperfect consequence of a judgment? A charging order is of course merely a means to an end. If the debt be not paid the charge is realised at once in the only way possible—viz., by action. I take it that such an action should be considered a natural right founded upon the obtaining of a charging order; but no, where a foreigner is concerned he cannot be attacked, and my client for the rest of his natural life must rest content with a passive charge which he cannot convert into cash.

I can only conclude, in view of this great hardship, that the matter is a *casus omissus*, and that if the facts were brought before the Rule Committee, this distinct hardship would be removed. It is with this view, sir, that I seek your valuable assistance.

En resumé, let me point out here is the case of a creditor whom the law permits to obtain a judgment against a foreigner, of course, after considerable trouble and expense. But when a far more important consideration arises—viz., the realising of the judgment—the creditor is forsooth to stay his hand, not because justice is no longer on his side, but for the sole reason that there is no rule under which he can proceed.

I trust it may be possible to bring these facts before those responsible for the Rules, in which case the result should not be doubtful.

26, Leadenhall-street, October 15. ERNEST S. COULSON.

LAW SOCIETIES.

INCORPORATED LAW SOCIETY.

ANNUAL PROVINCIAL MEETING.

The proceedings of the twenty-second annual provincial meeting of the Incorporated Law Society, U.K., were continued in the Town Hall, Liverpool, on Thursday the 10th inst., the president (Mr. J. Wreford Budd, of London) taking the chair.

CONVEYANCING REFORM.

Mr. B. G. LAKE, of London, read the following paper, entitled "Registration of Title and Conveyancing Reform."

The question whether or not the system of registration of title to land established in 1862 and, after having completely failed, reorganised in 1875, or any modification of that system, shall be made compulsory, to the exclusion of the system of conveyancing by deed, with which we are all familiar, and which has during the last five or six centuries grown up with the requirements of landowners and the public, has during the last session taken a new development. In the session of 1887 Lord Halsbury introduced a Bill intended to supplement the Act of 1875, and to make registration of title compulsory on any dealing *inter vivos*, and on transmission on death. The discussion upon this measure shewed the extreme difficulty of introducing what was really a new system as a graft upon the Act of 1875, and in his Bills of 1888 and 1889 Lord Halsbury proposed to clear the ground by repealing that Act and remodelling the system. Lord Halsbury's scheme, though in many respects unpractical, especially in the curious provisions for indirect compulsion on transmission on death, was at all events thorough, and recognized the imperfections and omissions of the Act of 1875. Lord Herschell was less thorough, and in lieu of repealing the Act of 1875, he, in the sessions of 1893, 1894, and 1895, introduced Bills to extend the operation of the Act of 1875, and to make its provisions compulsory on any sale after the prescribed date of freehold land within a proclaimed district. Hence his proposal was open to some objections from which Lord Halsbury's was free. Both Lord Halsbury and Lord Herschell were alike in this respect, that neither of them thought it necessary, or even desirable, to obtain the assistance and co-operation of solicitors in working out the practical details of so elaborate a proposal, and they both opposed any inquiry into the working of the Act of 1875, or the advisability or feasibility of the modifications which they proposed to introduce.1 In view of this avowed policy no attempt was made to deal with Lord Herschell's Bill in the House of Lords, but when in the present year it reached the House of Commons, Sir Robert Reid (then Attorney-General), in whose charge it was, met the representations of solicitors very fairly, and, recognizing the necessity for inquiry, agreed that the Bill should be formally read a second time without the principle of compulsion being thereby admitted, and should be referred at once to a select committee with power to take evidence. The select committee was presided over by Sir Robert Reid, and the courtesy and patience with which he conducted the inquiry were as noteworthy as the skill and ability with which he dealt with the technical details of conveyancing, a science of which he cannot have had much practical experience. Mr. T. H. Bolton, who undertook to conduct the case of the opponents to the compulsory clause of the Bill, has placed us all under great obligations by the efficient and skilful manner in which he performed this difficult task. He gave up to the subject a very great deal of time and study, and succeeded in eliciting with clearness and order the views entertained by the witnesses who were called by or through the Incorporated Law Society. In this he had the cordial assistance and advice of Mr. H. D. Greene, Q.C., M.P., who is himself a large landowner as well as an able lawyer, and who, from his personal acquaintance with the manner in which dealings with cottages and agricultural land are now carried out, was satisfied of the inconvenience and delay which would be caused by the compulsory introduction of a Government official into every transaction. Unfortunately the inquiry was not finished. The evidence against the Bill (which by the terms of the arrangement come to with the Attorney-General was necessarily much condensed) was concluded, and the case of the Government was about to be opened by the examination of Lord Davey, when the then Government resigned, and the committee thereupon resolved that it was not desirable to proceed further, and reported the evidence to the House. This result, though on a superficial view it might seem satisfactory, is in reality very much the reverse, because the reply of the Land Registry officials to the evidence adduced in opposition to the compulsory clause of the Bill will now, if given at all, be given privately to the Lord Chancellor, with no opportunity fo cross-examination or testing. If Mr. Holt and Mr. Brickdale had been called before the committee, their statements would have been submitted to the members who had heard the evidence previously given, and who were in full possession of the points in issue, and could have weighed the one against the other. If one may judge from the questions put, many of the members of the committee, especially those who, either as landowners or from legal training, knew most about the subject, were fully alive to the difficulties and dangers of the proposed measure. The evidence clearly shews that the system of registration of title established by the Act of 1875 requires complete remodelling, and, as will be seen by reference to the report, the Attorney-General scarcely disputed this. Mr. Wolstenholme's evidence,

1 Lord Herschell, Q. 201.

from his wide experience and acknowledged eminence as a conveyancing counsel, carried great weight, and was well supported by that of our then president, Mr. Hunter, who devoted a great deal of time and labour to the subject, and by the numerous witnesses, lay as well as professional, from different parts of the country, who proved the great rapidity, cheapness, and security with which conveyancing of all kinds, especially in small transactions, is now carried out. I do not propose to do more than refer to the evidence so given. It was, no doubt, read by all of you as it appeared week by week in the SOLICITORS' JOURNAL, to which the profession is much indebted for its services in this respect. The evidence must, I think, have satisfied all who heard it that, although solicitors are naturally biassed in favour of the existing system of conveyancing with which they are familiar, and which in their opinion provides for all the requirements of land dealing, their opposition is not to registration of title as such, but to the proposal to make it compulsory while yet untried and imperfect, instead of so improving and amending it as to make it flexible and attractive, and then allowing landowners (as is the case generally in Australian colonies, except as to land alienated in fee by the Crown subsequently to the special Act introducing the system into each colony) the option of selecting whichever system might seem most suitable to their needs. It was also proved that the opposition was not confined to solicitors, though they, as having the most practical acquaintance with dealings in land, naturally took the lead, but was concurred in by the most eminent conveyancers, by bankers, and by building and land societies. The chief argument in favour of compulsion was that the system would not otherwise become known or self-supporting, and the Lord Chancellor suggested that the practical failure up to the present time of the system of 1875 was due to ignorance of its advantages. But the suggestion was deprived of weight when it was pointed out and not disputed that Sir R. Torrens, the founder of the Australian system which led to the Acts of 1862 and 1875, refused to register his English land; that neither Lord Halsbury nor Lord Herschell, both of whom are landowners, had taken advantage of the Act which they have so persistently endeavoured to make compulsory on others; and that no building or land society, notwithstanding the missionary efforts of Mr. Brickdale and the advertisements issued by the Land Registry, has as yet been induced to give the system a trial.[1] In other words, dealers in land who have at present the option of either registering their property under the Act of 1875 or of dealing with it according to the present system, have not been convinced that there is any advantage in taking the former course. As was well stated by Mr. C. T. Saunders,[2] "the rigidity of the forms and regulations—the want of elasticity to accommodate them to ever-varying circumstances—the interposition of a Government official who must take cases in their order regardless of emergency—the inability which must then exist of the solicitor being able to promise the client an all-important advance of money within a few days, as he now can—the daily fret and annoyance arising from delays and official requirements in the place of the present free and uncontrolled mode of dealing with ordinary conveyancing matters, would be intolerable." Nor is this surprising, for the principle of the Bill is to take the title of every landowner out of his own care and to place it in charge of State officials,[3] with the result that the landowner who under the present system gets a title which is, or after a certain number of years will become absolutely perfect, and who under the present system cannot be dispossessed or prejudiced except by his own act or default, will always be at the mercy of a careless, credulous, or fraudulent official, by whose neglect or act he may at any time lose his land altogether, and even if he be entitled to compensation at all, will have paid for it out of his own pocket, and will only obtain it after contested proceedings with their attendant cost and delay.[4] The existence of this danger was scarcely contested, and, though this was not admitted, witness after witness shewed that in their opinion registration of title as at present established would add considerably to the cost of all transactions, as well large as small, with little or no advantage to the present generation. Probably Lord Halsbury, now again Lord Chancellor, will ere long introduce a measure for extending the system of registration of title. If this be so, it is to be hoped that he will not be satisfied to follow blindly the views put forward by the Land Registry authorities, but will avail himself of the knowledge and experience of conveyancing counsel and solicitors, and will introduce a well-considered measure repealing the Act of 1875, introducing the amendments which have been shewn to be necessary, and providing for the establishment of a system of registration of title which, without being compulsory or costly, will be flexible and attractive. Flexibility can only be secured by vesting the control of the registry in a small working board with considerable executive powers, and composed, in part at least, of practising barristers and solicitors. If, in addition, the power to remove land from the register were restored, landowners will be more ready to try the experiment than they are at present, when the step once taken is irrevocable,[5] while the fear lest the right of removal might be extensively exercised would led the officials to do all in their power to make the working of the system rapid and free from friction. The Lord Chancellor may feel assured that, if he should deem it right to follow such a course as I have ventured to indicate, there will be every desire on the part of solicitors to place their knowledge and experience at his disposal, and to give to the new system, if established, a full and fair trial. Whatever may be the future of registration of title (and I am still, as I long have been, an advocate of its establishment as an alternative system which, if properly managed and modified from time to time as circumstances require, may eventually supersede, in the case of many estates, the system of conveyancing which now exists), it is clearly our duty to do our utmost to simplify, perfect, and cheapen the existing method of dealing with land. The interests of solicitors and their clients are in the long run identical, and the more dealings in land are facilitated the greater will be their number, and the more important and necessary will become the class of skilled agents to carry them out. How best to effect such reforms as may be necessary has been under consideration by the council ever since the address at Bristol last year of our then president, and the evidence of Mr. Wolstenholme, Mr. Hunter, and others pointed out pretty clearly the direction which any such reforms must take. It may be reasonably anticipated that just as Mr. N. T. Lawrence's presidential address at Cambridge in 1879 was the precursor of the conveyancing reforms of 1881 and 1882, so Mr. Hunter's presidential address of 1894 may prove the origin of further and more extensive reforms during the present Parliament. Mr. Wolstenholme had in 1862 read a paper on the simplification of conveyancing, and during the inquiry before the Select Committee of the past session he handed in a summary of that paper, which will be found at p. 238 of the report, and should be carefully studied. Its proposals, if embodied into law, would "reduce the title to land to a series of simple conveyances of the legal fee simple, or a rent charge in fee, or a term of years absolute, apart from all equities." Equitable interests would be protected by a distringas register, which would be the only search obligatory on a purchaser, whether as regards bankruptcy or otherwise, and no equitable interest not so protected would affect the land or a purchaser whether he had or had not notice of its existence. Where the title to the property is well known, or the intending purchaser is otherwise satisfied that there are no trusts or undisclosed incumbrances affecting the property, the search could and would, no doubt, be neglected, as is often the case at present. Provision should be made for an official search, for communicating with the register office through the post, and for a short interval (say two days) until the expiration of which a distringas, though lodged, should not be of any effect against a *bonâ fide* purchaser or mortgagee. This would make it possible to complete sales and mortgages elsewhere than at the register office. A deposit of the title-deeds would, as at present, be available to create an equitable security, which could either be made absolutely safe by means of a distringas, or, as at present rest on the practical impossibility of dealing with the property without their production. Such a reform would not only greatly simplify the existing system of conveyancing, but would take away all justification for making registration of title compulsory. Any landowner who preferred to keep his deeds and be his own registrar could and should be allowed to do so. The distringas register would not require the aid of a map, which is a fertile source of difficulty and expense; for, whether for a distringas or an inhibition (*i.e.*, a stop-order), it would be sufficient that the name of the house or estate of the parish or township, and, in the case of town property, of the street in which it is situate, with the number or distinctive name of the house, should be entered in the register. If, in addition, power were given to the cautioner or inhibitioner to declare, on receipt of a notice of proposed dealing, that the distringas or inhibition did not affect the property about to be dealt with, or that the dealing might proceed, notwithstanding the distringas or inhibition, and without prejudice to the distringas or inhibition, as against other property not dealt with, the trifling inconvenience of a register with its attendant search would be reduced to a minimum. Of course a caution would be lodged at the risk of the cautioner being made liable in damages if it were lodged without good cause. When lodged, it should entitle the cautioner to notice of any intended dealing, and should remain in force for (say) fourteen, or even twenty-one days, after warning. An inhibition or stop order should remain in force until withdrawn or otherwise cancelled either altogether or as regards a particular property, and would only be put on with consent of the landowner or by order of court. With a view to facilitate searches, there should be a register in every principal county court, with a general register in London, so that a complete search could always be made in the metropolis in cases in which property was situate in more than one county or district. There are many reforms not mentioned in Mr. Wolstenholme's paper which, or some of which, could be properly introduced into any Bill which may be prepared to carry his proposals into effect. For instance:—Succession duty should not affect land in the hands of a purchaser for value, but should, as is already the case in sales under the Settled Land Acts, attach to the purchase-money and remain a personal liability on the vendor. This reform alone would do more than anything else to shorten the examination of title. Sales made through the Chancery Division should confer on the purchaser an absolute title to the property or the interest in property which was the subject of the sale; all adverse rights being transferred to the money which would be paid into court and distributed by order of the judge in chambers. This is a suggestion thrown out by Mr. Wolstenholme, and, though not free from practical difficulties, would be very useful in dealing with existing titles, though after the adoption of his proposals, it would be of less value. A purchaser who acquires a portion only of property held under a common title, and who, therefore, does not obtain possession of the title deeds, should be entitled to have endorsed on the last common deed a memorandum showing the date and parties to his conveyance, a short prescription of the land conveyed, and any restriction affecting the unsold portion of the property. This, if taken advantage of, would render it impossible for the holder of the deeds and apparent owner to deposit and borrow money on them without disclosing the sales which had taken place.[1] It should be provided that the memorandum should only be notice of the particulars so authorized, not of the contents of the deed. Whether this protection might not be carried further by requiring that, as a condition of its validity against third parties, every conveyance or mortgage (at all events after Mr. Wolstenholme's simplified conveyancing had been introduced) should refer to the previous deed and a memorandum of its date and parties be endorsed on that deed, is well worth consideration. Such a provision would effectually guard against the suppression of material documents of

1 Lord Herschell, Q. 322. 2 Q. 1762.
3 Wolstenholme Q. 403, 404, and 414. 4 Wolstenholme, Q. 423.
5 Hunter, Q. 902, 903.

1. Beckham, Q. 3,900.

title, which is the weak point in the existing system.1 The danger was pointed out many years ago by the late Mr. Cookson, who made a similar suggestion to meet it, but his views were not then adopted. There seems no reason, subject to the difficulty of making it clear in whom the legal estate is vested being overcome—(*Pease* v. *Jackson*, 3 Ch. 576), *Fourth City, &c., Society* v. *Williams* (14 Ch. D. 140). *Hosking* v. *Smith* (13 A. C. 582)—why, as was recommended by the Select Committee of 1879, a simple receipt on a mortgage should not operate as a reconveyance without any formal deed.2 Probably no saving would be effected in cases in which the mortgage was of long standing and the equity of redemption had been deal with, but in simple cases the relief would be considerable. It must not be overlooked that these and similar reforms will lessen the responsibility of solicitors, and cause a demand for reduction of the authorized charges in cases of ordinary sales and purchases. But the evidence recently adduced shews that the scale charge, though not, in my opinion, excessive, does not prevail generally, at all events not in country districts, and the probability is that if its amount were reduced it would be more uniformly adopted. However this may be, solicitors exist for the public, not the public for solicitors, and in the long run skill and ability will reap their due reward, especially now that the law permits a special agreement for exceptional services.

Land Transfer.

Mr. T. C. Young (Glasgow) read the following paper entitled "Land Transfer in England and Scotland, with special reference to the Land Transfer Bill, 1895":—The Land Transfer Bill of 1895 will no doubt be re-introduced, in a more or less modified form, in an early Session of Parliament. On reading the evidence given before the committee of the House of Commons on behalf of the Incorporated Law Society, one must admire the cogency of the facts and arguments adduced against both the principle and the details of the measure. To a Scots lawyer, however, it is remarkable that no reference is made in that evidence to the system of registration of deeds affecting land in Scotland, although that system has now stood the test of three centuries, and is regarded as in the main satisfactory both by the profession and by the public in Scotland. The same observation applies to the book entitled "Registration of Titles *versus* Registration of Assurances," by Dr. Leech, Examiner of Titles to the Irish Land Commission and Regius Professor of Laws in the University of Dublin, published in 1891, under the auspices of the Irish Landowners' Convention, just prior to the passing of the "The Local Registration of Title (Ireland) Act 1891." The learned writer is a strenuous advocate of registration of title, and he draws his illustrations from the experience of various countries, including America, Austria, Prussia, Australia, England and Ireland; but he does not once allude to the experience of Scotland, and he makes the following statement in comparing the two systems (page 98): "As to the system of registering deeds, on the other hand, though it may be acquiesced in, it is not possible to point to a single country in which it has proved a real and acknowledged success." In a work professing to deal with the whole evidence on the subject, both for and against, this is a very remarkable statement, and is open to the remark that it seems to proceed from insufficient information. When we consider that the land systems of England and Scotland spring from a common root; that, in fact, the Scots system was to a large extent borrowed from the English system, and that there is now a controversy as to whether the system of registration of title or registration of deeds is the better adapted to the wants of the community, it seems to be of interest and importance to trace the history of the land systems in these two countries, with special reference to the subjects of feoffment and registration, to note the points at which their laws diverged, and to see whether any aid can be derived from the history of the law in Scotland towards the solution of the problem that now occupies the attention of the profession in England. With the view of making a small contribution towards the discussion of this subject, the following remarks have been written. It is proposed, in the first place, to give a short comparative sketch of the Land Law in the two countries; in the second place, to explain the working of the system of registration and search in Scotland; and, in the third place, to apply the lessons of the subject to the existing controversy. [The writer then discussed the origin of the land law in the two countries, and after tracing it in England down to the Statute of Uses, proceeded as follows:—] In the same year, 1535, an Act was passed to the effect that no estate of inheritance or freehold or any use thereof should be conveyed by bargain and sale unless the bargain and sale were made by deed, and the deed enrolled within six months either in one of the courts of Westminster or in the county where the land lay. This was called the Statute of Enrolments. This, however, as you are aware, was evaded by the device of lease and release, which became the common method of transferring lands for more than two centuries. Publicity was thus entirely avoided, and the secrecy of modern English conveyancing was then established and still remains, although the forms by which these principles are carried out have been very much simplified by legislation and by the efforts of conveyancers, especially in modern times. I need only refer to the Conveyancing Act of 1881 as one among many statutes that have been passed with that end. Scotland again followed the lead of England in the matter of the introduction of land registers. In 1599 there were established by Act of Parliament registers throughout the kingdom in which all instruments of sasine were to be registered within forty days on pain of nullity. This was repealed in 1609, and was re-enacted with improvements in the year 1617; and the system then introduced, although it has been amended in various ways, is still substantially the system now in force, and seems to give general satisfaction. From the beginning the deeds themselves were sent to the register and copied therein and then returned to the senders. The system of memorials was never used, but our modern notarial instrument, in which the substance of a deed containing other provisions] (such as a deed of settlement or marriage contract) is embodied and then transferred to the register, really serves the purpose of a memorial. Minute books are kept of all writs presented, expressing the date and hour of presentment. The preference of title or security was given according to the date of registration. It may be convenient at this point to specify the changes in the mode of infeftment and registration that have taken place from time to time down to the present date. In 1845 the system of giving possession by symbols on the ground of the lands was abolished, and the recording of the Instrument of Sasine in the register was declared to have a similar effect. In 1858 the Instrument of Sasine was itself declared no longer necessary, and the registration of the conveyance was declared to have the same effect. In 1868 the local registers were discontinued, with the exception of those for burghs, and the general register in Edinburgh was made the only competent register for all writs relating to land not held by Burgage tenure. Provision was made for keeping separate presentment books, minute books, and register books for each county. The system so amended is that presently in force. Another serious point of divergence introduced between the conveyancing laws of the two countries by the failure of the Statute of Enrolments in the one case, and the success of the system of registration in the other, is as to the means of creating securities on land for debt. Securities for debt over land were among those deeds which it became necessary to register, and the first infeftment gave priority to the security. This prevented the creation in Scotland of the system of equitable mortgage, which for better or for worse is such a prominent feature of English conveyancing law. The mere possession of the title-deeds of a Scots estate, even although deposited with a letter of mortgage, creates no security over the land, and in fact gives no right to retain the deeds themselves as against any third person having an interest. If an owner pledged his title-deeds and then sold and conveyed the lands, the purchaser could enforce delivery of the title-deeds on the principle that the ownership of the deeds followed the ownership of the land. This principle of the Scots law has rendered impossible the frauds which occasionally are perpetrated in England by the partial deposit of title-deeds; and on the other hand it does not appear that the facility of raising money by the deposit of title-deeds has been much missed in Scotland, especially now when a mortgage of land can be carried through at a moderate expense. The system of searching the registers in Scotland has been brought into a very satisfactory state. In 1874 the period of prescription of title was, generally speaking, reduced from forty to twenty years, but as this prescription does not extinguish securities over land, the general practice is to take a search for forty years, and to bring down this search from time to time as transactions occur. The cost of a search for forty years in all the registers, both property and personal, exclusive of copying fees, amounts to £4. This is no doubt a serious charge in the case of a small property, but when once the search is made, the continuation of it does not involve much expense, and it serves to a certain extent the purposes of a certificate of title. We suppose it is to this that Sir Frederick Pollock alludes when he says (the Land Laws, page 167): "Registration of assurances is well known in every English-speaking country. It has been long in force in Ireland, in Scotland (where the system acts to a great extent as a registry of title also), and in several of the United States." In Scotland it is usual on each conveyance or mortgage of a piece of land, not only to bring down the search, but also to examine the deeds back to the root of title fortified by the prescriptive period. There is not, however, the same necessity of guarding against latent equities as in England. There are two classes of searchers: (1) The official searchers, who are part of the register house staff; and (2) professional searchers, outside men who make it their business or profession to search the records. The latter body is much employed, and has the confidence of the profession. A search for forty years can usually be obtained in about a week from date of ordering it. The fact of the record being clear or the reverse is often communicated by telegram on the eve of the settlement of a purchase or mortgage, and it is common for the agent of the seller or borrower to give his personal obligation to continue the search to cover date of settlement and to clear the register of any incumbrances that may appear. The seller pays the expense of a search in the absence of stipulation. An experimental system called the search sheet has been in operation in the register house for twenty years in the case of the Glasgow district, and for fifteen years over all Scotland. This may be popularly described as a ledger in which each property has a page to itself in which the successive dealings with it are synopsised as they occur, with a reference to the pages of the volume in which the deeds are recorded *in extenso*. From this the state of the title of any property can be seen at a glance. The keeper of the register states (Report, Nov. 1892, p. 15) that during the above period over 20,000 searches have been issued by means of it, and have been found to be reliable, accurate, and satisfactory. A Government Bill proposes to give legislative sanction to this and other improvements on the register, but it is likely to be preceded by an inquiry before a departmental committee. The profession in Scotland are not at one as to its superiority to the other system of searching by means of printed abridgments and index of persons. It is important to notice that the sasine office in which deeds affecting land are registered is more than self-supporting. Its income in 1892, so far as derived from registration work, was over £31,000. The actual cost of the work of registration was about £22,000, leaving a profit of about £8,000. III.—To apply the lessons of the subject to the existing controversy, the merits and demerits of the Scottish system of registration of deeds may be summed up under the following heads: (1) Security of title upon the faith of the register, and immunity from fraud under a system which has stood the test of 300 years; (2) Elasticity and adaptability to varying modern requirements, admitting to registration equally freehold and long leaseholds, limited interests, undivided shares, restrictive covenants, mining rights, mortgages, and notices of transfer from the dead to the living, both by will and under intestacy. Boundaries are fully stated, and the most minute subdivisions of land

1. Wolstenholme, Q. 569. 2. Saunders, Q. 1790—1792.

present no difficulty. On the other hand, registration of title, as proposed in the Bill, and indeed from its very nature, is inelastic, and admits of nothing except the registration of a limited number of persons as owners of the fee-simple. It leaves boundaries vague; (3) Economy and despatch. The fees of registration are moderate, and could be farther reduced, without making any call on the exchequer. Searches are made with expedition and economy. On the other hand, the registration of an absolute title is dilatory and expensive. The registration of a possessory title is of no great advantage, inasmuch as you must go on investigating the title for at least twenty years after the registration; (4) The minimum of officialism. The solicitor examines the title and searches, prepares the deed of transfer and sends it to the register. The scale fees of conveyance are moderate, being about 1½ per cent. up to £500, and under one per cent. in larger transactions, where one solicitor acts for both parties. (5) A reasonable amount of privacy. The register is public, but no one thinks of searching it unless interested, and to do so he must have a description of the property. The deeds are sent back to the solicitor when recorded. If a deed is lost an extract can be obtained from the register, which has statutory effect given to it, unless forgery is alleged. Deeds are freely lent by one solicitor to another. (6) Registration of deeds as practised in England is approved in the evidence of Mr. C. T. Saunders, of Birmingham, and of Mr. Middleton, of Leeds. It is practised with success in certain of the United States of America. According to Dr. Leech, it does not give satisfaction in Ireland, mainly owing to the extravagant fees charged for making searches. The system, if properly and economically conducted, seems well adapted to the wants of a highly complicated state of society. The success of the Torrens system in new countries like Australia and New Zealand does not infer its success here. (7) Registration of title is open to the risk of future fraud, as shewn in the evidence of Mr. Wolstenholme and Mr. Lake. This does not apply to the registration of deeds. (8) On the other hand, the registration of deeds implies the abolition of equitable mortgages. In conclusion, the assimilation of the laws of the two countries is desirable where that can be done without injury to either. Their land laws were at one time the same. They have diverged. Is it not worth while considering (if a change must be made) whether it should not be in the direction of convergence again, especially when the balance of argument seems to be in favour of registration of deeds as practised in Scotland, when compared with the registration of title as proposed by the Land Transfer Bill of 1895?

Tenant by Copy.

Mr. Grantham R. Dodd (London) read a paper on this subject, which we hope to print hereafter.

Discussion on Land Transfer.

Mr. G. P. Allen (Manchester) thought that solicitors were all of opinion that the compulsory registration of title to land was objectionable. He moved: "That if a measure for extending the system of registration of title be again brought forward in Parliament, this meeting requests that the council of the Incorporated Law Society, U.K., will do its best to have the Act of 1875 repealed, and to provide that if any system of registration be established it shall not be compulsory or costly, and shall be made flexible and attractive."

Mr. G. B. Crook (London) seconded the motion. Compulsory registration would not be for the benefit of the community at large. The inquisition to which landowners would be subjected with regard to the varying circumstances of their income and position if such registration were made compulsory upon them would be very objectionable. This was a point which he thought had not been sufficiently insisted upon. It was an additional reason why compulsory registration should not become law.

Mr. J. S. Rubenstein (London) said that it was not only in the interest of the profession that compulsory registration should be opposed, but in the interest of the client. Any client who had had experience of the working of the Land Transfer Act in the office must be convinced that it was not to his interest to support compulsory registration. He represented in London one of the largest land societies, owning something like thirty estates. Some years back they bought an estate at Leytonstone, the title of which was registered under the Act, and since then their endeavours had been to get it taken off the register. They found that there were such difficulties in the way of dealing with the property that they now granted conveyances and advised their allottees to act entirely without reference to the Land Registry.

Mr. J. W. Howlett (Brighton) said he had inquired into the Australian system on the spot, and he was told by a solicitor in Australia that he only used the Torrens system for very bad titles, the good titles he kept off the register. The popular notion was that everyone in Australia was forced to have compulsory registration of title, but this was not so. There was no English-speaking country in the world where the landowner was compelled to register his title.

Mr. R. S. Cushing (London) said he represented a conveyancing practice in the East-end of London. He had to deal with a large number of small owners, and he wanted to be able to show them that registration was not a remedy for any existing defects. He suggested that the Incorporated Law Society should print the very able paper written by Mr. Hunter for the Bristol provincial meeting in a somewhat condensed form, so that it might be distributed broadcast amongst these small owners at the East-end.

The President said he was much obliged to Mr. Cushing for the suggestion, which would be considered by the committee which was sitting upon the subject.

Mr. Melvill Green (Worthing) asserted that no system of registration which did not allow the land to be taken off the registry again would be satisfactory.

The President, with the assent of the meeting, added to the resolution the words, "With power to remove registered land from the register," and the motion was carried unanimously.

Mr. W. Melmoth Walters (London) moved to add a rider as follows:—"That the council be requested to put forward amendments to the system of Land Transfer on the lines recommended by Mr. Wolstenholme and Mr. Hunter." He said they had hitherto taken up the position of *non possumus*, and had said that they would have none of the Government Bills, but would stick to the present system. They all knew that the present system was imperfect, and that it was capable of improvement, and they who claimed to have practical knowledge were the persons to come forward and say in what respect the law was to be shaped and adapted so as to render the resort to compulsory registration unnecessary. They ought not to satisfy themselves with a negative attitude, but come forward with a positive one on the lines which Mr. Hunter had suggested, which were, as Mr. Hunter acknowledged, the same as those of Mr. Wolstenholme. They were agreed to by the president, as was to be seen from his address, and they were lines which commended themselves to most of them. The object in view was facility and safety of transfer. But the difficulty at the council table was that some of them said that in order to enable transfers to be made in this way, for safety there must be an index referring to distringas. Cautions or *caveats* must be put on in the same way as was the case with regard to stock in the funds. Let the owner of land have the absolute power of conveying to anyone without his having the responsibility of investigating title or claims, except to search the register and see if there was any *caveat*, and, if so, it must be removed before the conveyance was effected. That seemed to him as simple a system as could be devised. Many of their friends from the provincial law societies thought that it would be paving the way to a registration of title, but he did not think so. There was registration of judgments, registration of bankruptcy, registration of deeds in Yorkshire and Middlesex, and not one of these registers had tended in any way to the establishment of registration of title. It was a different thing altogether. The registration of title meant the bringing in of officials to do the work of the solicitor, to do, to a certain extent, judicial work. The registration of *caveats* and judgments and Crown deeds was merely ministerial. It was a mechanical act, and there was no connection whatever with the names enrolled in an index and the work of a solicitor. If the scheme was put forward without the system of a registration of *caveats* it would never be got through. It was not to be supposed that the landowners in the House of Lords or the House of Commons would allow their estates to be in the hands of any spendthrift tenant for life to do what he pleased with them. There must be some means of protection. The president in his address had said: "Do it as in Consols." That was all very well. If there were two or three names in Consols there was safety in numbers, but if there were two or three names as trustees of real property, the tendency of the law was that the tenant for life should have the control. If he was only tenant for life the purchase-money must be paid to certain trustees. They were going to do away with all that, and they must have a substitute. All he suggested was that for safety there should be a registered notice which it was only necessary for the purchaser to go and see. If there was no *caveat* he could pay over his money with safety. Mr. Lake's paper agreed with that view. Mr. Wolstenholme, Mr. Hunter, Mr. Lake and the president were all agreed that that was the system which ought to be put forward. That was the practical solution of the whole difficulty, and the minor difficulty of the registration of *caveats* was a difficulty they must swallow. If they did not put forward the scheme, they would have this registration of title, and they would then have the registration of *caveats*. He urged them to put forward the much simpler and more effective system, and accept the registration of notices. It was not in the least degree worse for solicitors and their clients than the existing system of registration of judgments.

Mr. Lake said he would second the rider with much pleasure. Mr. Walters had gone so fully into the subject that he did not propose to add more than one or two words, especially as he had dealt with it in his paper. The principle was capable of being simply put before any legal mind. They were endeavouring to carry out the assimmilation, so far as the transfer was concerned of stock and land. That had been put forward as a desideratum for a long time. It had many inherent difficulties, but to a great extent the plan Mr. Hunter had suggested followed the lines of that of Mr. Wolstenholme, which Mr. Wolstenholme had developed in his evidence before the Select Committee, would make the two systems of transfer as nearly identical as possible, having regard to the different subject-matter. And a great advantage of the scheme suggested was that, while it simplified conveyancing very greatly, it did not involve the introduction into every matter of business of a government official with the corresponding delay. That was really the reason for objecting to a compulsory registration of title. It might be that in some estates registration of title might be a convenient form of procedure, but under the present system a solicitor could not advise a client to adopt it, because he could not get his land off the register again. But the system suggested was one under which any man could, if he liked, take advantage of registration of title, but if not he would have a simple, clear, conclusive means of dealing with or creating charges without officialism whatever. There was no necessity for the registration merely of *caveats* leading to the registration of title of lands. There would be no map, no official or judicial duties. It would simply be a record by which it could be ascertained by the purchaser whether the vendor had a right to sell without the concurrence of anyone else. It would be very simple as it was proposed that the one registrar of distringas and cautions should be the only register the purchaser should have to refer to. Everything would cease to have effect unless a notice of charge had been put upon the register, so that it would greatly simplify the dealing with land. The registration of title was an act of the registrar who actually

passes the title. There must, therefore, be a highly skilled official who must take a great deal of time to ascertain facts, who must investigate and see the man before him who was the real landowner. Whereas the only duty of the registrar of *caveats* would be to receive a notice and mark upon it the date when it reached him and the hour, and he would have no power to deal with the question of title or decide whether it was good or not. He must receive it *valeat quantum*. He was glad Mr. Walters had made the proposition so as not to render the action of the council purely passive. He was satisfied their passive resistance had gone far enough, and that the time had come when they must shew that they were prepared to deal with reform in conveyancing and to do the very utmost they could to simplify the mode of dealing with land, and that they were, therefore, representing those who desired to become owners or dealers with that particular commodity.

Mr. HENRY ROSCOE (London) said he should not like it to go forth that all the members of the council thought the rider should be adopted. He did not wish to express any opinion as to whether the scheme was good or bad. It was before the council, and much discussion had taken place upon it and directions had been given by the council that Mr. Wolstenholme should prepare a Bill on the lines of this very motion. But without committing the council to any expression of opinion as to whether the principle was right or wrong, he thought it should come before the council when the Bill was before them. He did deprecate that with very insufficient discussion the authority of the meeting should be given to the council to deal with the question on these lines. He had not a word to say against Mr. Hunter's views. He did not express any opinion as to whether the view enunciated in the resolution as now proposed was right or wrong, but he did say that Mr. Hunter's paper had been discussed by the council and that great divergence of opinion had been expressed between the various members of the council. It would not be right that one side of that question should be dealt with by a resolution of this kind upon a very insufficient discussion of the points. He thought it would be very much better to leave the council with the perfect knowledge they had of what took place at Bristol and here, to deal with it as they thought right when they got Mr. Wolstenholme's Bill before them. The members of the council who took a view which was divergent from that expressed by Mr. Walters and Mr. Lake would be greatly prejudiced if the meeting gave them a recommendation that proceedings should go forward on the lines of this resolution, instead of leaving them free to deal with the matter.

Mr. H. BRAMLEY (Sheffield) supported the remarks of Mr. Roscoe. He said the country societies had differed very considerably with the London society. Until they saw the scheme which was to become law it would be utterly impossible to decide by a resolution of this kind what form the Bill was to take. A very considerable number of the country law societies were not of opinion that the Bill should go forward in the way which had been suggested. He had not heard anything to-day to lead him to the belief that registration of *caveats* was in any way necessary.

Mr. WALTERS said that he did not propose to pledge the meeting to details, but only to general lines. He merely called attention to the question of the registration of *caveats*.

The PRESIDENT said with regard to Mr. Walters' reference to his remarks in his address on land transfer, that he went entirely with Mr. Walters, and, he thought, a little further. He might be permitted to read the following sentence from his address:—"Personally I am prepared to go even a step further than, I believe, he (Mr. Hunter) and many who think with him are prepared to go. We should, I think, always have an owner of the whole fee simple of land from whom a purchaser or mortgagee could get a clear title free of any trusts or equitable interests, and that whether the purchaser or mortgagee has or has not notice of such interests; and in cases where the nominal owner is trustee for others they should look to the trustee and the proceeds of the disposition of the land, and have no claim on the land itself." His own opinion was that if the land was brought into settlement the whole control of the land should be in the hands of the trustees, and that the beneficiaries should look to the trustees. At present he feared a registration of *caveats*, and thought it an unnecessary complication in dealing with land.

Mr. W. T. ROGERS (Liverpool) thought it would be a great mistake to pass the resolution, because it did confirm some sort of officialism. He suggested that a resolution should be passed that it should be left to the council to frame proposals for improvements in conveyancing.

Mr. R. PENNINGTON (London) hoped the resolution would be withdrawn. He felt it would be embarrassing when the council were considering a scheme which they had asked Mr. Wolstenholme to put into the form of a draft Bill, with a view of seeing whether they could suggest anything in lieu of the objectionable scheme of the late Government. It seemed to him to be almost impossible to urge that it could be desirable, when they were about to consider a proposal of that kind, to pass any resolution which could be construed as in any way affecting the minds of those by whom that Bill was to be considered. It could hardly be wise. He did not want to enter into a discussion of the merits of the question. It was an extremely attractive proposal, and when he first heard it he was very much taken with it; but his view, on full consideration, was—though he scarcely thought it practical politics—that they were perfectly well as they were. They did not want any alterations whatever, except the alterations suggested by Mr. Hunter in his paper at Bristol in the law of real property and matters of that sort. A great deal might be done to amend the law in these respects, but he thought the present system enabled them to do their conveyancing work in the simplest, easiest, and readiest way. An Englishman liked to have his work done in his own way, and would object to what he (Mr. Pennington) thought would be the delay attendant upon such a system as was proposed. They should not hamper the council in any way by a resolution passed at this meeting in the sense suggested. Let them see Mr. Wolstenholme's Bill, of which he (Mr. Pennington) knew nothing. Let the council communicate with all the country law societies, and get the best expression of opinion throughout the kingdom, and then come to a resolution.

Mr. WALTERS said that he thought, after what he had heard, it was certainly not desirable to press the resolution. They did not want a division in their ranks, and he would withdraw it.

LONG VACATION.

Mr. T. RAWLE (London) read the following paper:—The question of the continued existence of the Long Vacation has been under discussion, both in this society and elsewhere, for many years, and in the interest alike of the public and the profession it is important to arrive at a solution of it. Ardent law reformers have urged its total abolition, but this is a step which is at once inexpedient and impracticable. Many persons, on the other hand, are sufficiently interested in the present condition of things to desire, with even greater ardour, its continuance unchanged. The bench, not unnaturally, have never shewn any marked zeal to curtail the Long Vacation; and the bar at their recent annual general meeting passed a resolution protesting against any interference with it. The sentiments of the judges are easily intelligible. Their work is extremely responsible and most arduous, and they cling tenaciously to the period of leisure which the traditions of their office and the terms of their appointment entitle them to expect. The action of the bar, however, somewhat resembles that of a well-organized trade union which can restrict the hours of labour, and put a stop to working overtime. Many barristers, it is well known, would be willing to work while the rest play, but the majority find that it best suits at once their work and their recreation for all to play together. As usual, it falls to our branch of the profession to deal with the question in the interest of the general public, and here, as in almost all other matters, the interests of the public are, in the main, identical with the interests of the general body of solicitors. A glance at the history of the Long Vacation will shew that it certainly cannot look, for its continuance, to the reasons which suggested its origin. So far as antiquity goes, it is entitled to all respect. It is amongst the most venerable of our legal institutions, and has suffered perhaps less than any other from the changeful influence of time. The germ of it is to be found in Roman times, and a law of Marcus Aurelius provided that no one should compel his adversary to go to trial at the time of corn harvest or vintage. Those who are busied with agriculture, it is said, must not be forced into court (Digest, 2, 12, 1). The introduction of Christianity was followed by the institution of set vacations, determined by the seasons of religious observance, and at the same time the harvest vacation came to be thoroughly established. It is probably due to the canon law that the three religious vacations of Christmas, Easter, and Whitsuntide were introduced at an early date into England. Under the Saxon kings the year was divided into *dies pacis regis* and *dies pacis Dei et Sanctæ Ecclesiæ*. To these latter days, which were sacred from legal strife, a law of Edward the Confessor devoted the three seasons of (1) Advent and Christmas, (2) Easter, and (3) Pentecost. The intervals gave the four terms of Michaelmas, Hilary, Easter and Trinity; but there was nothing either in the canon law or in Edward's law to divide Trinity from Michaelmas. It was spoken of as *terminus sine termino*, and it was only stopped by the necessities of harvest (Spelman's "The Original of the Terms," written in 1614, printed in 1684.) By common usage it ended in July, and the period from then till Michaelmas was the original Long Vacation. Subsequent legislation and practice did little to alter the general arrangement of the year. It is recognized by the Statute 51 Henry III. Stat. 2, which fixed the days of returns to writs in real actions, and its derivation from the canon law is noticed by Britton, who wrote in the time of Edward I. These seasons, he says, are set apart "for prayer and for appeasing of quarrels and reconciling those who are at variance, and for gathering the fruits of the earth, which are to be the food of man." "Nevertheless," he adds, "the Bishops and Prelates of Holy Church do sometimes grant dispensations, that assizes and juries be taken in such seasons for reasonable cause" (Nichol's Translation, I. 346). And the dispensation was made general by the Statute of Westminster I. (3 Ed. I. c. 51), which declared that assizes of novel dissezin and certain other assizes might be taken in the holy seasons, "for great charity to do right unto all men at all times." The Long Vacation, however, was on three occasions altered, the effect being each time to lengthen it. The Statute 32 Hen. VIII. c. 21 made it commence earlier by setting back Trinity Term. The reasons are stated in the preamble to be fear of infection of the plague, and the hindrance to the gathering-in of the harvest and to other necessary business at that season of the year. The change brought the beginning of the Long Vacation into June. It was lengthened at the other end, first by 16 Car. I. c. 6, and then by 24 Geo. II. c. 48. The beginning of Michaelmas Term had been found to interfere with quarter sessions and with country business generally, such as the sowing of winter corn and the payment and receipts of rents; and 16 Car. I. c. 6 placed the term a fortnight later, so as to begin on October 23. But the commencement of business was now found to be broken by special holidays observed at that season by the courts, and 24 Geo. II. c. 48, put the term off to November 2. So it remained until the terms were re-settled by 11 Geo IV. and 1 William IV. c. 70, which substituted fixed dates for the varying perplexities of Easter and Trinity. Hilary was from January 11 to January 31; Easter from April 15 to May 8; Trinity from May 22 to June 12; and Michaelmas from November 2 to November 25. Thus the Long Vacation, in strictness, extended from June 12 to November 2. But these ninety-one days of term-time—or, excluding Sundays, seventy-eight days—were too few for the transaction of business, nor, indeed, were they intended for the performance of all court work. In accordance with the principle of the Statute of 3 Ed. I. referred to above, questions of fact were decided out of term, while, in term, the courts sat in banco for the determination of questions of law. In London, this led to the holding of *nisi prius* sittings

after term, the length of the sittings being regulated by 11 Geo. IV. and 1 William IV. c. 70. They might last for twenty-four days (exclusive of Sundays) after Hilary, Trinity, or Michaelmas, and for six days after Easter term. The Statute 1 & 2 Vict. c. 32 enabled the courts in banco to hold similar "sittings after term," and the actual periods thus taken by the courts of common law in getting through their work in London and on circuit furnished the model for the sittings of the courts of equity. The result of the extension of business was that August 10 came to be recognized as the beginning of the Long Vacation, and it lasted till November 2, the first court day of Michaelmas Term. The numerous and protracted vacations naturally attracted the attention of so thorough a law reformer as Bentham, and his writings shew the drastic changes which he would have introduced. The Long Vacation he regarded as a device to enable "the pre-eminently learned few" to gain at once the maximum of fees and the maximum of leisure (Collected Works, III. 406). He was for abolishing this and all other vacations. In accordance with his favourite maxim, "When sleeps injustice, then may justice too," he would have made legal redress as continuous as medical aid. "If parturition," he says, "could have been bid to wait, or a hæmorrhage to stop flowing from Trinity Term to Michaelmas, surgeons, as well as lawyers, might have had the Long Vacation" (Works IV. 378). He proposed, therefore, to have courts of first instance open all the year round, except on Sundays and Christmas day; auxiliary judges taking the place of the regular judges during the two holidays of a fortnight each allowed "for health, recreation, and the conduct of their private affairs" (Works III. 406). The attendance of judges was to be automatically enforced by the simple plan of "daily payment nowhere but on the spot" (Works IV. 379). Bentham, as his habit was, gave piquancy to his criticism of the existing state of things by sneering at Blackstone's ready acquiescence in it, and his polemic was based on the old limits of the terms, which gave, in his phrase, 78 days in the year to the administration of justice, and 287 to its denial. "To justice, not so much as a fourth part of the time allotted to injustice" (Works V. 516). But Bentham was bound himself to admit (Works VII. 241) that judicial business had, in fact, overstepped the narrow limits of the terms, and the extended sittings of the present century have robbed his criticisms of most of their force. For some time before the Judicature Acts, it had become the practice to provide for the transaction of urgent business during the Long Vacation. Two vacation judges were appointed, one for common law and one for Chancery work. The common law judge sat at chambers for the disposal of summonses referred to him by the masters, and it was in some cases possible to prosecute to judgment actions in which there was no substantial defence. The Chancery judge granted injunctions in cases of urgency, and one set of chambers was open from 11 to 1 on four days in each week. A large amount of business was done in them. On one day in August, 1870, for instance, there were 85 summonses before the chief clerks. The judge did not originally hold any formal sittings. Suitors had to catch him where they could, though it was his business to remain within reasonable distance of London. Whether the Scotch Highlands satisfied this requirement seems to have been a moot point, and various classical stories represent the Vice-Chancellors of former days as dispensing justice under circumstances not usually associated with the dignity of the bench. Some of these stories may be of doubtful authenticity, but one case is vouched for, where an equity judge was pursued into a train, heard the application *en route* to the country, and borrowed a pen at a wayside station to sign the required order; while in another Vice-Chancellor Wickens was dragged at midnight from his bed at his holiday retreat near Chichester, and induced to grant, in dressing-gown and slippers, an injunction which was put in force the following morning at Brighton. Shortly before the Judicature Acts, however, it had become the practice for the Chancery vacation judge to sit once a week in chambers, and to this extent the quest of justice was facilitated. By 1873, therefore, a considerable inroad had been made on the sanctity of the Long Vacation, and at the time of the passing of the Judicature Acts the impression extensively prevailed that the inauguration of the new system would be accompanied by a substantial curtailment of the close time from the 10th of August to the 2nd of November. No one, indeed, was unkind enough to take up Bentham's demand that the holidays of the judges should be reduced to two fortnights in the year; but the suggestion was current that they might be worked in "shifts," so as to keep the courts open all the year round. Abundant opportunity for effecting a change was given by section 26 of the Judicature Act, 1873, which abolished the division of the legal year into terms so far as related to the administration of justice; but this provision was simply preparatory to the reintroduction of the existing periods of court work under the name of "sittings," and the rules scheduled to the Act of 1875 preserved the Long Vacation intact by making the Trinity Sittings end on the 8th of August and the Michaelmas Sittings begin on the 2nd of November. Between these two dates was the Long Vacation for the courts, though the vacation for the offices ended on the 24th of October (Ord. 61, rr. 1, 2). In point of length, therefore, the Long Vacation was the same after as before the Judicature Acts. In respect of the conduct of business during the vacation, too, no material change was made. Two judges were required by ord. 61, r. 5, to be appointed "for the hearing in London or Middlesex, during vacation, of all such applications as may require to be immediately or promptly heard"; but as the next rule authorized these judges to hear matters assigned to any division, the result was to enable the two judges to divide the vacation between them, and they were both required to be in London only on the rare occasions when a vacation divisional court had to be formed. One convenient change was effected, and the vacation judge sat in open court for the hearing of applications which would be so heard in term; but so far as the actual business was concerned, no advance was made on the previous arrangement. At first, indeed, the business done shewed signs of rapid increase, but this tendency was speedily checked by a rigid application of the rule that applicants must shew special grounds of urgency. In 1879, when Stephen, J., was vacation judge, a notice was issued emphasizing this requirement, and intimating that applicants who did not satisfy it would have their applications dismissed with costs. The effect of this has been to discourage applications in all except cases of absolutely imperative urgency, solicitors being unwilling to let their clients incur this new risk. In recent years, consequently, the vacation court has been free from the protracted sittings which characterized it in the early years of its establishment. In the offices, too, the arrangements have remained the same as during the years preceding the Judicature Acts. One set of Chancery chambers is open four days a week, and both in these and at common law chambers, only business which can be shewn to be urgent is dealt with. More recently the Long Vacation has suffered a slight curtailment. Under section 27 of the Judicature Act, 1873, any change in vacations is now made by the Queen in Council, upon the recommendation of the Council of Judges, and with the consent of the Lord Chancellor. In 1881 an effort was made to induce the judges to agree to a change whereby Trinity Sittings would end on the 10th of August and Michaelmas Sittings begin on the 24th of October, but it was for the time unsuccessful. It was understood that the judges resolved, by a large majority, that both they themselves and the leading members of the Bar required the full period of rest, and, moreover, that any alteration would be inconvenient to other persons concerned—jurymen and witnesses, suitors, solicitors and officers of the court. But the pressure of public opinion was too strong, and a couple of years later the Council of Judges assented to the extension of Trinity Sittings to the 12th of August, and to the commencement of Michaelmas Sittings on the 24th of October. This moderate instalment of reform was accordingly embodied in an Order in Council of December, 1883. The effect was to abridge the Long Vacation by a little under a fortnight, leaving still a period of ten weeks during which no business, other than imperatively urgent business, could be transacted, either in court or in chambers. Shortly before the time when the above change was made, the question of the Long Vacation began to appear in the proceedings of this society. It was first brought up by Mr. Blyth at the provincial meeting at Sheffield in 1880, and the paper which he had written on the subject, though there was not time for it to be read, was printed and circulated among the members. In it he argued that the Long Vacation was opposed to the interests of the general public. The matter was next referred to in the report of the Legal Procedure Committee, issued in February, 1882, which contained a resolution: "That the interests of suitors call for a reduction of the Long Vacation." The report was unanimously adopted at a special general meeting of the society held on the 22nd of February. At the annual general meeting held on the 7th of July of the same year—1882—an effort was made to go farther, and Mr. Hargreaves moved: "That the administration of justice requires the abolition of the Long Vacation"; but it was suggested that it would be better to wait and see the result of the report before passing any further resolution, and the motion was by leave withdrawn. At the Hull meeting, held in the following October, Mr. William Ford read a paper, in which he took a contrary view, and he moved: "That the Council of the Incorporated Law Society be requested to resist any efforts that may be made from any quarter to abolish the Long Vacation, or to curtail its length." He argued that the abolition of the "close time" would involve a costly multiplication of judges and officers, while it would be a source of inconvenience to solicitors and of expense to their clients, inasmuch as causes would have to go on in the absence of the counsel and solicitors who were acquainted with the details. Mr. Ford, however, did not succeed in carrying his motion, and the meeting accepted instead an amendment proposed by Mr. Colborne, of Newport: "That in the opinion of the meeting the Long Vacation might be considerably shortened, to the great advantage of the suitors, without any detriment to the interests of the profession." A paper on the same subject was read by Mr. C. Ford at the Bath meeting in October, 1883, and a resolution was carried: "That the interests of suitors call for a reduction of the Long Vacation, and that greater facilities ought to be given during such vacation, as shortened, for the dispatch of business in the offices and chambers of the courts." This was followed by the reduction of the Long Vacation, effected, as already stated, by the Order in Council of December, 1883; and there, for nine years, the matter was suffered to rest. In 1892 the question was taken up once more by the legal procedure committee appointed by the council of this society, and the following passage is contained in the report of the committee dated March 28 of that year: "Finally, on the subject of the arrangements for trial of actions, the committee are of opinion that if litigation is to be treated, as they submit it should be, as a matter of business, the courts and offices of the High Court should be accessible substantially all the year round, instead of being shut, as they are at present, continuously for ten weeks, in addition to other times, making in all about fourteen weeks in the year"; and on this subject they passed the following resolution: "That the Long Vacation as such should be entirely abolished, and the courts and offices be open continuously throughout the year, except during the short recesses at Easter, Whitsuntide, and Christmas, or, say, for the week before Easter Sunday and the week after, the last week of August and the first week of September, and the last ten days of December and the first four days of January, and the Bank Holidays of Whit Monday and August; but that each officer of the court, from the highest to the lowest, should by rotation have a Long Vacation, at a convenient period during the year, to be arranged by the heads of departments." At the Norwich meeting, held in October of the same year, a resolution in identical terms with that just quoted was proposed by Mr. Blyth and carried unanimously. Earlier in the meeting Mr. Parker had succeeded in carrying a resolution that pleadings should be deliverable without order during the Long Vacation. In consequence of the passing of Mr. Blyth's resolution the council of the society took into consideration the question of the Long Vacation, but in their annual report for 1893 they said they did not think it would be expedient to

recommend such a sweeping alteration as entire abolition. In lieu thereof they had suggested to the Lord Chancellor that provision should be made for the transaction, as a matter of course, during the Long Vacation, of certain specified classes of business. These were as follows:—

Chancery Division.—1. Appointment of new trustees and of trustees under the Settled Land Acts and otherwise, and of all other applications under the Settled Land Acts and the Settled Estates Acts. 2. Applications under the Vendor and Purchaser Act, 1874. 3. The issuing of summonses under Order 55, and dealing with the subject of the application. 4. Applications relating to the guardianship and maintenance of infants. 5. Applications under the Infants' Marriage Settlements Acts, or in a pending action where an infant is a ward of court. 6. Applications under the Conveyancing Acts. 7. All unopposed applications for payment into or out of court. 8. The taxation of costs in all cases where a fund, whether in or out of court, has to be divided, and in all other cases where urgent and special reasons can be shewn. 9. Accounts and inquiries directed by any order if the judge so orders.

Queen's Bench Division.—1. Taxation of costs. 2. Applications by married women under the Fines and Recoveries Abolition Act. 3. Applications for the appointment of an arbitrator or an umpire, and other matters of procedure under the Arbitration Act, 1889.

Probate, Divorce, and Admiralty Division.—Decrees absolute for divorce.

At the annual general meeting of the society, held on the 14th of July, 1893, Mr. Blyth sought to obtain the disapproval of the society to the action of the council in not adopting the recommendation of the Norwich meeting in favour of the abolition of the Long Vacation, but his amendment to this effect was rejected. The report of the council for the present year shews that, in reply to the letter of the president containing the above suggestion, the Lord Chancellor wrote to the effect that the Chancery judges thought that this would mean that the whole of the non-contentious work of the Chancery Division should be carried on during the Long Vacation, and he asked the council whether that was the suggestion which they intended to make. The council replied that they remained of opinion that the whole of the business specified ought to be transacted throughout the Long Vacation. With respect to pleadings, the council concurred in a suggestion of Lord Herschell that instead of delivery being excluded for the whole time of the Long Vacation up to the 24th of October, the exclusion should stop at the 24th of September. To conclude this review of the proceedings of the society in the matter it is necessary to add that at a special general meeting, held on the 31st of January last, Mr. Parker moved: "That, for the purpose of expediting litigation and diminishing expense, it is desirable that the Long Vacation should be abolished"; but the meeting adopted by 59 votes to 32 an amendment proposed by myself, which in its ultimate form, was as follows: "That the Long Vacation should be materially shortened, and that pleadings should be delivered, and that other formal business should be transacted throughout the Long Vacation, as mentioned in the Annual Report of the Council for 1893." The foregoing sketch of the history of the Long Vacation shews clearly that in the case of this, as of the other vacations, the reasons which prompted its establishment have long since ceased to exist. It is to be feared that throughout Christmas, Easter, and Whitsuntide Bench and Bar are not devoted exclusively to religious observances, nor in September and October are the great bulk of suitors engaged in getting in their crops. The fear of the plague no longer impels all persons, high and low, to shun the courts in the dog days, and the Michaelmas quarter sessions and the sowing of the winter corn need not keep the Supreme Court closed in the first weeks of October. The vacations now serve the solitary but useful object of providing holidays. The question is whether this object is attained in the manner most in accordance with the interests of the public, paying proper regard also to the interests and rights of the Bench and to the convenience of both branches of the legal profession. In looking for an answer to this question, which may reasonably be expected to lead to practical results, it is important to distinguish between the judicial and the administrative business of the courts. By judicial business I mean all business which requires the personal intervention of a judge. Other business I class as administrative. For the most part, no serious question of law or fact arises in performing it, though frequently the officers of the court, such as the masters, and registrars, and the chief clerks, have to discharge judicial functions. I think it is necessary to recognize that the Long Vacation must, so far as the judges are concerned, be substantially preserved. A judge's work is admittedly laborious. The routine of judicial life was described by Lord Bramwell, when as Baron Bramwell he gave evidence before the Common Law Commissioners of 1857. According to his account, his work not only filled his days but engrossed him in the evening, and extended, apparently, even beyond the six days of the week. "I work in the evening," he said, "and at other times which one need not more particularly name, but which are not included in any of the days which are here mentioned." It is to be hoped that the judges of the present day are not forced to this extreme, but during the sittings their working week is amply filled. It is not desirable, moreover, to make a seat on the bench over-burdensome. The appointment usually comes to the leaders of the bar, as the result of a long and successful career, and one of the chief attractions of a judgeship is the fact that it offers, in addition to its high social distinction, more leisure than can be secured by an advocate in large practice. Sir George Jessel emphasized this aspect of the matter in a speech delivered in 1882. Speaking at a dinner of the Clothworkers' Company, he said that one great attraction for him in making a very great, indeed an enormous, pecuniary sacrifice when he accepted the Mastership of the Rolls was that he should lessen the severe and continuous labour which it was his lot as a law officer of the Crown to undergo. It is certainly necessary to secure for the Bench the most eminent men at the bar, and the office of judge should not be deprived of any legitimate attraction. Nor can the abolition of the Long Vacation be secured by the device of working the judges in shifts. A judge cannot be sent off for his long vacation at any casual season of the year, and Bentham's plan of auxiliary judges would be unsatisfactory in practice. It is better to admit, once for all, that the judges must have a substantial vacation, and that, subject to the appointment of vacation judges, they must all be away together. The Long Vacation, however, is capable of a further reduction and the time of it should be altered. Let it be fixed at two months, and let it run from the first Monday in August to the first Monday in October. Two months cannot reasonably be said to be an insufficient holiday, and the inclusion in it of the first part of August would be a change of great convenience. A numerously-signed memorial in this direction was presented to the bar committee in 1884 by members of the Chancery bar, and there are strong reasons in favour of the step. The change would enable barristers and solicitors to get away at a time when the heat makes court work irksome, and the difficulties of the August Bank Holiday would be avoided. But although it is probably advisable to allow of the simultaneous closing of the courts for a period of two months, the public and the profession may reasonably expect from the judges a more liberal view of the class of business suitable for the Vacation Court. This concession is one of the essential conditions of any reform that will satisfy public requirements. The administrative business of the offices of the High Court is subject to different considerations. With the exception of a short interval—say the last week in August and the first week in September, as suggested by Mr. Blyth's resolution at the Norwich meeting—it ought to be continuous throughout the Long Vacation. Although suitors cannot go to trial, yet they should be able to get their cases ready for judicial decision. Under the present practice writs can be issued at any time, and in the same way it should be possible to deliver pleadings and take all interlocutory and other subsequent proceedings up to setting the case down for trial. Occasionally these will involve a reference to a judge, and the liberal construction which I have just suggested of the rule as to vacation business would enable the vacation judges to deal with most of the references without seriously increasing their work. It is to be remembered that other people besides the judges will be taking their holiday; and although there should be always the opportunity for proceedings to go on, the amount of business done will naturally be far less in the general holiday season than at other periods of the year. It is also very important that suitors in the Chancery Division should have the means of prosecuting proceedings in chambers. The Chancery judges appear to think that the list of work given in the president's letter to the Lord Chancellor involves their attendance during the whole of the Long Vacation. But this is not so. A good deal of the chamber work need never come before the judges at all, and there is no reason why it should be wholly stopped because they are away. The part which does require their interposition will, for the reason just stated, be much smaller in amount in vacation than at other times of the year. Such of this as can be dealt with by the vacation judges will be disposed of by them, and the rest must stand over. The effect of the scheme will not be to deprive the Chancery judges of any part of their holiday; but it will enable the greater part of the chamber work to proceed in all cases where the suitors so desire. The scheme, indeed, only applies to the chambers of the Chancery Division the reform which was recently made in the office of the Paymaster-General. The persons chiefly affected by the above scheme are the officers of the court, notably the masters, registrars, taxing-masters, and chief clerks. It is, of course, not proposed that they should be deprived of their holidays altogether; and, in the case of the present officers, any diminution of the vacation should be accompanied by an increase of salary. With this understanding no injustice would be done, nor would any practical difficulty arise. Two months' vacation is double what other professional men can manage to secure. Probably many of the present officers would be content with one month, if suitable recompense were made, and future officers would be appointed upon the terms of having only that vacation. They would be as well off as the great majority of merchants, doctors, lawyers, and members of the Civil Service engaged in any of the great Government departments. With a holiday of one month it would be easy to cope in each set of chambers with the amount of work required to be dealt with in vacation. It is not likely that any great amount of opposition would come from the bar. The leaders of the bar, Bentham's "pre-eminently learned few," would still get their vacation with the judges. Nothing would go on which would disturb their repose or lessen their incomes. The outcry, if any, would come from the busy juniors, but they would be only slightly affected. Much of the work proposed to be taken does not involve the employment of counsel, and such matters as the settling of pleadings would have to be arranged for in exactly the same way as conveyancing work has now to be arranged for. There is always work of some kind going on—vacation or no vacation—and there is no lack of counsel to attend to it. It is sometimes said that any substantial interference with the Long Vacation will prevent solicitors from getting a holiday. In some cases there would doubtless be a certain amount of inconvenience, but it would be outweighed by the gain in other directions. Solicitors neither desire the rush to get business through before the courts and offices close for the vacation, nor do they desire the ten weeks' stoppage of business which follows. It would suit them better to take things more evenly, and to arrange for a reasonable holiday at their own convenience. But after all the question is not what the bench, or the bar, or solicitors want, but what system best serves the public interest. As judged by the organs of public opinion the Long Vacation is clearly doomed. Twenty years ago (25th of August, 1874) the *Times*, in discussing the draft rules of Court, was quite content with the retention of the Long Vacation, provision being made for the transaction of urgent business. But by 1879 (26th of August) it had changed its tone. By this time in the eyes of "every disinterested person"

the Long Vacation had become an "absurdity and an anachronism." Professional opinion, it was added, would long uphold it with secret tenacity, and it might subsist many years after it had been condemned; and yet its doom could hardly be doubted. The same tone has characterized the leaders since—for instance, in 1880 (5th of August), and 1886 (14th of August)—and this opinion correctly represents the ideas of business men generally. Business does not go to sleep from the 12th of August to the 24th of October. Complications arise which it requires the help of the courts to adjust, and if for so long a time the courts will neither hear causes nor allow causes to be put in train for hearing, it is not surprising that business men should look out for other remedies. No one can say that if Parliament were now, for the first time, arranging the sittings of the courts, any holidays such as the present would be sanctioned. They are due solely to the traditions of the past. For the reasons given above, it is probably expedient to continue the Long Vacation, with the curtailment specified, so far as the judges are concerned. At a time when the world generally is taking holiday, no great inconvenience can arise from the postponement of the hearing of causes from the beginning of August to the beginning of October. But this, and the fortnight of total closing, are all that should be conceded. In other respects business should be continuous. In short, it is suggested that a practicable solution of the Long Vacation controversy may be found: (1) by shortening the judicial vacation to two months, from the first Monday in August to the first Monday in October; (2) by keeping open the offices of the High Court throughout the vacation (with the exception of the last week in August and the first week in September) for the transaction of all business not requiring the presence of a judge; (3) by allowing pleadings to be delivered at any time during the vacation; and (4) the adoption by the vacation court of a more liberal interpretation of "vacation business."

Continuous Sittings.

Mr. W. P. Fullagar (Bolton) read a paper entitled, "Some Thoughts on Three Present-day Questions: (1) Continuous Sittings, (2) Litigation Costs, (3) The Present System of Magisterial Appointments," as follows:

It always seems to me that the greatest good derivable from our annual conference may be due not so much to the consideration and discussion of dry legal problems, as to an interchange of opinion upon what are from time to time the prominent questions of the day, and which bear directly upon our every-day work and practice. It is with the view of stimulating discussion that I am venturing to throw out a few suggestions on the three subjects mentioned as the heading of my paper. My remarks upon each of them will be brief, and after I have finished I trust that we may hear a full expression of opinion, both for and against the views which I shall put forward. (1) As to the first subject—"Continuous Sittings"—it is one which specially affects Liverpool and Manchester, as they are the two places who have been for many years past more or less urgent in favour of them. In the paper which I read two years ago before our society in Manchester I touched upon the subject, and many here will know that I have always been a strong opponent of the plan as unnecessary and undesirable. Coming to Liverpool in 1866, as a managing clerk in a legal firm having a large commercial business, I was until 1873 in constant touch with assize work and litigation of all kinds. There were then only three assizes in the year, and the lists contained at each assize causes far heavier both in quantity and quality than we find nowadays. In those days there possibly might have been some justification for the cry for "Continuous Sittings." The lists were generally more than a judge could in the time allotted for the assizes fairly and properly get through, and this resulted in actions being constantly forced into settlement or arbitration or postponed, to the disgust and disappointment of the suitors. But during the twenty years which have elapsed since 1873 this state of things has been changed and materially improved. During that time I have been away from Liverpool, but I have carefully watched the course of assize work both there and in Manchester, and having also had the benefit of two years of office as under-sheriff, I have been able to keep up my acquaintance with the way in which the work has been and is being done; and I say unhesitatingly, and without fear of contradiction, that with the present four assizes in the year, and taking into account the great reduction in the number and alteration in the quality of the actions now tried, they can almost invariably be brought to trial expeditiously, and with little, if any, more delay than if a judge was sitting continuously in Liverpool and Manchester. I say further, that actions at the assizes are now properly tried out from post to finish, and that the judges spare themselves neither time, trouble, nor fatigue in giving every case its due and proper consideration and hearing. It is idle nowadays to allege that litigants need suffer any material delay in bringing their cases before the existing courts. With the present arrangements, if the parties and their solicitors choose to exert themselves, an action can be commenced and disposed of in the course of a very few weeks. Equally without any material foundation, to my mind (at any rate so far as Liverpool and Manchester are concerned), is the complaint that hardship must be and is suffered, and unnecessary expense incurred, in consequence of litigants and their witnesses having to attend the hearing of their cases in London, all which hardship and cost, it is suggested, might be avoided by the presence of a local judge sitting continuously in one of the two places. The only pretext for such a complaint, so far as I can see, might occasionally arise with regard to the trial of Admiralty cases; but even as to them it must not be forgotten that the county court and the Court of Passage have (within certain limits as to amount) jurisdiction to deal with them. Further, I do not fancy that the number of these cases which go up in the year from Liverpool to London need or can be very great, and surely not sufficient to justify the appointment of a local judge and continuous sittings for their trial. In Chancery matters the Palatine and county court are open to suitors; and in common law actions I contend that the present assize system is amply sufficient to ensure a speedy and satisfactory mode of trial. The arguments in favour of continuous sittings, if worth anything at all, ought to shew very conclusively that material injury has been and is being done to suitors through delays, increased expense, and other inconveniences, and they should be based upon and supported by actual statistics of the number of mercantile cases and actions (with any substance in them) during, say, the last five years which might have been dealt with more expeditiously, economically, and satisfactorily if the present system had been altered as now proposed. Petitions and memorials and deputations are not worth much unless they are supported by actual facts and figures, or if they are only based upon mere broad allegations of inconvenience, backed up by the cuckoo cries of a few local agitators and busybodies. I have from time to time read the accounts of the various deputations which, during the last ten or twelve years, have approached various Lord Chancellors on this subject of continuous sittings, and I have invariably noticed that in facts and statistics the speakers have been lamentably weak, and that, when inquired into, the facts have generally been against their contention. In 1883 deputations went up from Liverpool and Manchester to the then Lord Chancellor, with resolutions from various chambers of commerce and Town Councils, speaking of "gross injustice" done to suitors by (1) delay in trial; (2) non-disposal of assize business at each assize; (3) trials unduly hurried; (4) causes driven into arbitration. That was, no doubt, the time of only three assizes in the year, and litigation was, as I have before stated, heavier in amount and character than it is now, but even then the actual facts and figures put forward by the deputations in support of their petition were very vague and inconclusive, and did not seem to carry much weight with those to whom they were addressed. The year of grace, 1895, is a great improvement on 1883, and if we take into consideration, on the one hand, the increased facilities for speedy trial by the present system of four assizes and of non-jury actions, and also the advantages which Liverpool and Manchester enjoy in their Palatine Court and local registries; and if, on the other hand, we bear in mind the great decrease which has during the last few years taken place in all litigation worthy of the name, I venture to think that no town council or chamber of commerce, if fully and properly informed of the real state of the case, could conscientiously allege any of the above grounds as now existent, or as a reason for continuous sittings. But it may be asked, why do I so strongly object to continuous sittings? I reply, because, in my opinion, not only are they not needed, but I think that they would form a very unsatisfactory substitute for the present assize system, which they must inevitably upset and destroy. The present assize system provides for a reasonably speedy trial of actions before the best and most tried judges of the land, and enables suitors to command the services of the best and leading representatives of the bar, and, in my humble opinion, it works admirably well for every one concerned. I feel that there is great force in the question which Lord Coleridge put to the deputation in 1883. He said: "Has it occurred to you as at all an unlikely thing that, if you propose to judges to sit the greater part of their time out of London and to live in provincial towns, you would certainly not get first-rate men?" Will any one contend that the public interest would be served as well as it is at present if the standard of the judicial body should be lowered? and is it not patent to anyone who has carefully watched the working of local courts that a localization of judges must inevitably sooner or later be attended by a falling-off in the judicial standard; and that so long as London continues to be the capital of England, to it and in it all the best talent of bench and bar will, as a matter of course, converge and centre? The results of not acquiring or maintaining the highest standard both of bench and bar in local and provincial courts must inevitably be dissatisfaction on the part of the suitors and a multiplication of appeals, with all the additional cost consequent thereon. It has also been pointed out to deputations on this subject that if continuous sittings were granted to Liverpool and Manchester, other large centres (who by having no Palatine or local courts to go to would have far stronger claims than even Liverpool and Manchester) would at once begin to agitate for local judges, and so, as I said before, the whole assize system would have to go by the board, to be replaced by far less satisfactory tribunals. The only present result likely to accrue from the change would seem to me to be a personal one to those members of our profession who might be installed as registrars and what not of the new court, for they would doubtless find that it would be both necessary and convenient (even with a local judge) to emulate the example of existing local registrars, and would soon discover that there is another small place in England besides Liverpool and Manchester, called London, which would occasionally require their attendance, and would enable them to rub shoulders and discuss points of practice with their brother officials in the High Courts of Justice! The real question, is, whether the public interests are not well and sufficiently served by the existing and old-established assize system with its present-day improvements, and whether any such large changes as local judges and continuous sittings must involve would not prove unworkable and undesirable. I have heard one argument sometimes put forward in support of continuous sittings, namely, that it would revive and increase litigation. My own opinion is that the constitution and practice of the courts as they are have nothing whatever to do with the undoubted decline which has taken place in commercial litigation during the last twenty years. The real causes are that people have less money to spend in law, and that they have grown wiser by experience, and are more ready to settle disputed matters without litigation. The legal profession of the present day is probably suffering for the sins of its predecessors in countenancing the delays and unnecessary expenses arising from the long pleadings and other monstrosities which characterised our legal system in years gone by; and it is, I think, idle to contend or expect that the business which has gone can be brought back by such a doubtful remedy as continuous sittings. I go

further, and I say that, even supposing that a revival of commercial litigation could be thus secured, it is scarcely within our province as a profession to try and revive it. On the contrary, our business and professional duty, in their highest and most honourable sense, are to prevent litigation, and to induce men to settle their disputes without going to law, or to do so at as small a cost as possible. Taking, therefore all the points to which I have referred into consideration, I submit a direct negative to the necessity or desirability of "continuous sittings," and I hope that it will be a long time before the present system or assizes and circuits is interfered with or abolished. 2. My second subject will be addressed mainly to our system of costs in litigated matters, which well deserve, I think, our most earnest and immediate attention. I submit that the public have suffered long enough from the system of party and party costs; that they ought to be abolished; and that the successful litigant should be able to recover from his opponent the whole of his costs, to be taxed as between solicitor and client. Why should a man who is compelled into litigation wrongfully, and who successfully fights or resists a claim, be mulcted in any part of the costs of doing so? Why should the amount which a claimant may recover for land taken from him compulsorily by a public company be discounted by the heavy extra costs which, as we know, always remain to be paid after the costs are taxed as between party and party? All who know anything about the present system of taxation of party and party costs cannot but recognise the fact that the taxing-master too often appears to act as if success in court deserved a corrective in chambers. Taxing-masters appear to feel that their whole duty is to "tax"—that is to say, to scan every item in order to see, not whether it is properly charged or incurred with the view of bringing about the desired result, but merely whether he cannot reduce or disallow it so as to justify an official position. How often, for instance, are items for work which counsel has advised to be done before trial (and which advice a solicitor dare not neglect) been disallowed by the taxing-master and thrown upon the successful litigant? Taxing-masters have an unlimited and practically unchecked discretion in the taxation of costs, and are trammelled by very few definite rules. The consequence is, that the amount allowed on taxations varies very considerably according to the mind and disposition of the master with whom the bill is lodged. I say that this ought not to be, and that the system of party and party costs is an anomaly in our legal system, and the sooner it is done away with the better. If anything would induce the public to trust their disputes to their lawyers more than they are doing, and to make a fair fight in commercial disputes instead of settling them (often upon disadvantageous terms), it would be the feeling that if they were in the right and succeeded the whole cost would fall upon their opponent. Whilst saying this I wish it to be quite understood that I do not advocate the change in order to increase or revive litigation, but because I feel strongly that the interests of the public call for it. There should be certain clearly defined rules regulating such items of costs as can be satisfactorily regulated and limited; but there should be, above all, two main principles regulating the mind of the taxing-master: (1) that he is bound to consider all the circumstances of the case, the points at issue, the amount involved, the evidence advised by counsel, and other matters; and (2) that he is also bound to allow every fair and reasonable charge other than those which have clearly been incurred through the negligence, needless over-precaution, or mere whim of the successful party. There is an important point which is connected with the change already advocated, and in which a much-needed improvement might, I think, follow. It is that some stand and protest ought to be made by us, as a profession, against the present system of charges by expert witnesses, more especially in cases of disputed compensation under the Railway and Lands Clauses Acts. I have every desire that all skilled witnesses, whose time and evidence are no doubt valuable, should be fairly paid for their trouble; but to my mind the present system of things is little better than a scandal. In a claim for compensation under the Railway Acts, what are by far the heaviest items in the costs as rendered, and what are the items which suffer most on taxation, and which fall upon the pocket of the hapless claimant? Not the charges of the solicitor! He, forsooth, has no Ryde's Scale to back him up, and has to be content with his occasional three guineas a day and other costs in proportion. Not even the fees of counsel! No, the chastening in chambers falls principally upon the charges of the experts of five, six, seven, or even ten guineas a day, with fees of ten to twenty guineas for viewing a piece of land and deciding (according to the side upon which they are engaged) whether it is building or agricultural land. But the worst of it, is that it is not upon the backs of these heavy chargers that this chastening falls. They know well enough that they are secure of payment in full, and that the balance of their charges will, after taxation, come before the client under the wing of the solicitor, and will be included in his costs. The consequence is that the litigant or claimant, as the case may be, tells his friends that he has made very little out of his action or land, not because there was once a gentleman named Ryde whose memory and example are revered and acted upon by his followers, but because he has had to pay his "solicitor" such a large extra bill of costs! Is not this a case of everyday experience with many of us? Now, I believe that if the system of party and party costs were done away with, it would commend itself to litigants and claimants and to public companies, to join hands together and endeavour to put a reasonable limit upon the charges to which I have alluded, and which are undoubtedly far higher proportionately than other witnesses can command, and often considerably greater than the time and services taken up and rendered justify. My third subject, which rather diverges from each of the previous ones, must be dealt with very briefly. As a body I take it that we are supposed to be deeply concerned with the proper administration of justice throughout the land, and I cannot believe that we can view with favour the practice which has prevailed so much more extensively of late years with both political parties of rewarding their adherents with the magic letters "J.P." at the end of their names, and crowding the magisterial bench with persons who, from their antecedents and position, are sadly unfitted for the high and responsible office which they are thus called upon to hold. This has taken place more in the boroughs than in the counties, and, though I am glad to admit that, on all borough as well as county benches, there are still many men of high character and position about whose fitness for their duties not a word can be said, still it will, I think, be generally admitted that the wholesale creation of new magistrates during the last few years has resulted, in many instances, in a lowering of the standard and in the elevation to the bench of many who, however much they may desire to act up to the true spirit of their office, are, by natural disabilities and the accident of their birth and bringing up, unable and unfitted to do so. We naturally regard a magistrate as a person of some dignity and importance, being (as he is) publicly vested with authority, a governor, an executor of the laws, and a Justice deputed by the Crown to administer justice and to do right by way of judgment. We see him entrusted with multifarious and onerous duties, having reference to every class and grade of society, and which duties put into his hands very often issues and questions affecting the life-long welfare or otherwise of his fellow-men. Can we feel satisfied that those duties will be properly administered, and those serious issues satisfactorily dealt with, except by men of educated and uncramped minds, who will be able intuitively to resist every temptation to bias, and who will be, so far as possible, unconnected by their station in life with the majority of those to whom they have to mete out justice? It may be alleged that the working-man magistrate will be more in touch and sympathy with the majority of those who are brought before him, and will be more likely to take a kinder and juster view of things, and to temper justice with mercy. As to justice, I believe that the more the mind is enlarged by education and experience of the world, the more just a view does it take of everything—offences against law and order included, and as to mercy and tenderness, I have been assured by magistrates of experience that the leaning of the working-man magistrate seldom shews itself in favour of easy sentences or of leniency. Anything which tends to lower the standard of the judicial bench in any branch of it, must injure the cause of justice, and sooner or later do wrong to the public at large. It may be said that no evil is likely to ensue so long as the bench have their clerk to guide them. But can anything be more unsatisfactory than to appear before a bench of magistrates whose only mouthpiece (and often headpiece too) is their clerk? As a rule we have to congratulate ourselves on the way in which magistrates' clerks fulfil their duties; but such duties (beyond the mere clerical work of taking depositions, &c.) ought to be confined to advising the bench upon difficult points of law. We hear constantly nowadays of sayings and doings on the bench which would be amusing if there were not such serious issues involved. For instance, I heard of a newly appointed magistrate who, finding himself for the day in the chair, announced that he did not intend to be partial or impartial, but to do his duty! Another newly-fledged J.P. discharged a prisoner on his first offence, saying, the bench did not wish to make a gaol-bird of him! Or again, I have heard of a sapient J.P., recently appointed, who refused to go on with a case without the production of a parol agreement! But far more serious and injurious to the cause of justice is, I think, the sight of some of our borough courts on a licensing sessions, when there is a whip-up of magistrates, and the bench is packed with the partisans of teetotalism on the one hand and of the beershop on the other. This seems to me a burlesque of justice, and must tend to incalculable mischief. I maintain that if the mind is cramped by want of education and inexperience in the ways of the world, it is very difficult to view things except through a very narrow focus, or to adjudicate without a certain amount of bias coming in; and it is in these respects that many of the magisterial bodies of to-day may fail in the standard which the public and the cause of justice have, I think, a right to expect and demand. In all boroughs and places with a larger population than 10,000, I would therefore advocate the appointment of a stipendiary magistrate. Such appointments have been remarkably successful, and seldom, if ever, are their decisions questioned or complained of. They are men of position and education and of legal knowledge; they are far more able to deal with matters with an impartial mind than if they were mixed up in business or otherwise with the persons brought before them; and in licensing matters, especially, they would be able to weigh the facts without being swayed by any party or political bias. I would, therefore, urge upon our council and society to do all in their power to secure the appointment of stipendiaries where they do not already exist. I have now dealt briefly, and I fear but imperfectly and discursively, with the three subjects named in my heading, and I can only hope that the suggestions thrown out, and the views which I have ventured to express, may lead not only to discussion but, so far as the last two subjects are concerned, to definite and speedy action. If this action results in time in the alterations and amendments which I have suggested, I shall feel that my words have not been entirely wasted.

Commercial Causes and Costs.

Mr. Ernest Todd (London) read the following paper: The subject of this paper being at the present time a more or less burning one, I do not think it necessary to apologise for troubling the society with it. The idea that it might be of interest to the members of the society assembled at the provincial meeting at Liverpool occurred to me on the 19th July last, when I had on the agenda paper before the society, at its annual meeting in London, a motion having for its object the appointment of a committee of members of the society to consider the desirability of framing rules for the government of the commercial list. On that occasion I found that before my motion was reached the attendance of members had become so scanty that it was

hardly fair the subject should be discussed by them, and, taking the opinion of the members who were present upon the question, I decided to abandon my motion, and, at the suggestion of Mr. Benjamin G. Lake, to read this paper to the members of the society assembled at Liverpool instead. Since I first looked into this matter I have had an opportunity of making many inquiries and some investigation which I had not then made, with the result that I have come to the conclusion that, for the present at all events, it is not desirable for a special set of rules to be framed and brought into existence for the purpose of dealing with the work which comes into the commercial list. I have made inquiry of persons well informed, and am convinced that it is generally admitted to be better to give the learned judge in whose hands the work connected with the commercial list now is a free and unfettered discretion to deal with the actions as they come before him as he thinks fit, so that commercial men may not be frightened away by interminable rules, to learn the approximate meaning of which involves, even for a lawyer, the mastery of a volume containing no less than 1,458 pages, not to mention the supplement. My impression, looking at the surface, was that it was unreasonable for a procedure the very essence of which was expedition, cheapness, and reasonable certainty to be governed by a set of rules the very object of which would appear to be verbosity, unnecessary steps, unreasonable delay, annoyance, costs, and every inducement to the person who had a grievance to put up with it and refrain from airing it, lest the grievance which was of the magnitude of the mole-hill might, with the assistance of our enlightened system of procedure and practice, grow to the dimensions of a mountain of costs, worry, anxiety, and loss for him. There is, I think, no doubt that the public have shown unmistakable signs of being wearied and sickened to death of litigation and the incident delays and expenses which arise under our system. I see by an article in the *Pall Mall Gazette* of the 4th of May last it is there stated that the falling-off in the work of the courts was at that date very appreciable, the article giving the causes to which I have referred above as those which, in the opinion of the writer of the article, were responsible for it. I do not suggest for a moment that the writer of that article was in any sense an inspired writer, but it appears to me that our profession must judge of the direction in which public opinion is tending by that which appears unchallenged in the public Press. I think the views expressed in that article are making themselves felt in the right quarters, and that the commercial list is the outcome and justification for such expression of opinion. The society will recollect that the Commercial Court was first brought into existence, or its contemplated existence notified to the profession, on February 6th last, when a notice was printed on the back of the cause list for that day giving a set of regulations as to commercial causes. These regulations were not rules, but were for the information and guidance of the profession as to that which was contemplated and intended to be done. The first of these regulations laid down the class of work which would be included in the commercial list, and this included "causes arising out of the ordinary transactions of merchants and traders, causes relating to the construction of mercantile documents, export or import of merchandise, affreightment, insurance, banking, mercantile agency, and mercantile usages," so that it will be seen that the ground contemplated to be covered by the list, or by the expression "commercial cause," is very wide indeed. The regulations went on to provide that a separate list of summonses in commercial causes should be kept, and that the judge himself should deal with them. By Regulation 6 it was provided that application should be made to the judge under the provisions of the Judicature Act, 1894, and the rules thereunder, or, by consent, to dispense with the technical rules of evidence for the avoidance of expense and delay which might arise from commissions to take evidence and otherwise. Regulation 8 provides that the judge may at any time after appearance, and without pleadings, make such order as he thinks fit for the speedy determination in accordance with existing rules of the questions really in controversy between the parties. Regulation 9 provides that the parties may agree to accept the judge's ruling as final; and 10 that the judge may fix an early date for the hearing of any cause. The first list of summonses framed in accordance with this rule was heard on March 1st last, by Mr. Justice Mathew, sitting at judges' chambers. The list consisted of some thirty cases, and I myself, having a case which I thought was contemplated by the use of the term "mercantile agency" (pleadings at that time not having been delivered), inserted the case in the list. It was a case where my clients were a foreign company, who were suing their agent over here in respect of his transactions whilst acting as such agent. The matter was one in which the parties were at issue upon almost every point, in which the correspondence was exceedingly voluminous and was all written in a dialect of Flemish, differing considerably from the language as spoken in Antwerp, Brussels, and other large towns in Belgium; and, in addition to this, the defendant's solicitor, on his appearing before the learned judge, suggested that questions of fraud would arise, and required that such questions should be tried by a jury. My summons for directions asked for the trial of the action without pleadings, for the delivery of particulars by each side in lieu of pleadings, for certain admissions necessary for my case, for inspection of documents without affidavit, for a list of material documents intended to be relied upon by each party to be delivered to the other party, and for the fixing of a day for the hearing. We came before Mr. Justice Mathew on March 1st, and he then made the order substantially as asked by me, and intimated that in his opinion it was a proper case in which to allow a certain fee for the work done in preparing for the summons, issuing the summons, and appearing before him upon it; and he pointed out that he had power to give a sum not exceeding £10 10s. as the costs, and directed that if the taxing-master, when the matter came before him, should not in the opinion of the solicitors adequately provide by his allowance for the work they had done, the matter should be referred back to him for his directions. He also fixed the date of the hearing of the action for eighteen days after the date of the order, fixed the times within which the different steps were to be taken, and practically laid down in the action a complete code of procedure. On a subsequent application under the same summons, at the request of the defendant he directed that the action should be tried by a jury, that there should be no commission to take evidence abroad, but that certified copies of the defendant's books should be admitted as evidence, and that the defendant should be at liberty to nominate an agent to inspect those books at the offices of the company. The action came on for hearing on the day fixed, lasted two days, and resulted in a verdict and judgment for the plaintiffs. When the costs came to be taxed the judge's direction was brought to the notice of the taxing-master, this officer (Master Macdonnell) allowing in respect of that summons and order a sum of £6 6s., and for the instructions for brief a very reasonable sum, fully compensating the solicitor for the work done in preparing the case for trial. I have given the details of this case at somewhat greater length than I intended, as I think they may be of interest to members of the society who may be contemplating putting cases into this list, and as affording to a certain extent a guide to what is likely to take place should they carry out such inclination, and the system which is adopted by the learned judge. I have also given these details with a view of supporting the suggestion which I shall offer later on in this paper, as to the method in which the present arrangement for assessing and allowing costs should be altered. It may not be amiss to point out that that which first gave rise to the idea of forming this list was the bringing into existence of the London Chamber of Arbitration in November, 1892, the promulgation of the Chamber's rules, and the experiment of re-establishing the Guildhall sitting. I understand that the profession is indebted to Mr. Justice Mathew for the idea, and for the framing of the regulations to which I have referred at the commencement of this paper. I know of my own knowledge and experience that the profession is very much indebted to him for the way in which he has worked the list since it came into existence and tried the cases. On every hand amongst members of the profession where one makes the inquiry the opinion is unanimous that the list is a very great success, and that its success is attributable greatly, if not entirely, to the association of Mr. Justice Mathew with it. When the idea was first launched it was met with a certain amount of ridicule, and I find on referring to the paper which Mr. Herbert Bentwich read before the society at its meeting at Manchester in October, 1893, on the subject of chambers of arbitration, the following expression of opinion: "The formation of a special list of commercial causes to be taken by a judge or judges of the Queen's Bench from time to time is, in my opinion, no alternative; because (1) it does not get rid of the difficulties of a complicated and dilatory procedure; (2) any such mere manipulation of the existing legal machinery would not restore the confidence of the commercial classes to the courts; (3) chambers of arbitration are intended to supplement, and not to supersede, the ordinary legal tribunals, and the more important and difficult commercial causes which are proper for trial in the Queen's Bench would still be brought there." Having regard to Mr. Bentwich's opinion expressed at that time, it is of some interest to compare the work of the London Chamber of Arbitration with the work of the commercial list. I find on inquiry that the Chamber was inaugurated on November 17th, 1892; that since that date it has had before it some thirty cases in all; that the average cost of each of such cases has been £7 10s.; that in two-thirds of the cases the arbitrators have been members of the legal profession; that in half the cases one or other of the parties was represented by a solicitor or counsel; that the average time occupied from the entry of the cases with the registrar of the Chamber to the publication of the award has been fourteen days; and that in no case have the services of Mr. Philbrick, Q.C., its legal assessor, been taken advantage of. The commercial list, on the other hand, has had put into it 130 cases; 97 of these have been tried, and 26 have been settled for the most part through the intervention of the judge. I was under the impression that probably the cases which were placed in this list were only cases which had been transferred to it from the other lists, and that the 130 cases did not consist to any extent, if at all, of new work, or work which would, but for the coming into existence of the list, have either been tried by arbitrators or not tried at all; but I am pleased to find on inquiry that this is quite a mistaken view, and that the commercial community, having watched the list and its working with interest, has become so satisfied with it that the arbitration clauses usually inserted in commercial contracts with regard to shipping and other commercial disputes have in many cases been waived in favour of a trial by the judge having control of the commercial list. I understand that a very appreciable portion of the 130 cases above referred to should be placed in this category, so that it is fairly obvious this list has really fulfilled the object with which it was brought into existence, viz., to provide the commercial community with a court in which they can have confidence, the decisions of which are of the highest authority, and which provides for the necessities of business men in regard to despatch, finality, and moderation in costs; and I think the figures set out above clearly show that the confidence of commercial men has, in fact, been gained, or at all events is in process of being gained, for the list, and that great things may be expected of it in the future. So great indeed has been the satisfaction with the result of the experiment in high places that I understand it is contemplated that an additional judge shall be deputed to assist Mr. Justice Mathew in disposing of the list, and that the two learned judges shall give their entire attention to it. It appears to me that Mr. Justice Mathew has overcome almost every obstacle standing in the way of the complete success of the experiment, with the exception of the costs which are necessary to be incurred under our present ridiculous system. The question of costs to be allowed, either to the solicitor against his own client, or against his client's unsuccessful opponent, is one which has exercised the mind of the profession for a long time past, and one which it has been found exceedingly difficult to satisfactory deal with. The application of the principle underlying the Solicitors' Remuneration Act in conveyancing matters has been suggested as a solution of the difficulty; and on inquiry I have found that in Germany such a system is in full

working order. This system came into existence on the 18th June, 1878, by the "Gerichtskostengesetz" of that year. This provides a most elaborate scale of costs, depending upon the amount in value of the subject matter in dispute in the action. It provides for a certain fixed fee being allowed in every case, and in any event; then as the case proceeds, if any of a variety of steps have to be taken, the cost allowed in respect of taking such step is a certain number of tenths of the sum allowed in any event. There are different scales framed on the same lines as to costs in actions before the court of first instance, in the Court of Appeal, in the Court of Cassation, and in criminal cases, as also in the ultimate Court of Appeal sitting at Leipzig. In going through Mr. Hegner's treatise on these costs, it struck me that they were far more elaborate, far more difficult of comprehension, and far more oppressive in their action than even the scale applying in the High Court. I found also that, although it should have worked almost automatically as a scale of payment, it was still necessary to provide for the services of an officer called a "Rechnungs-Revisor" or taxing-master, and it struck me that it might interest the members present to-day to know how this elaborate system worked. I therefore communicated with Dr. Sthamer, an eminent advocate of the German courts, practising in Hamburg, and put five or six questions to him upon it, with the result that he tells me the costs which are allowable against the unsuccessful litigant in favour of the successful one are as follows, viz.:—

In actions for £500	... ...	£10 4s.
„ £1,000	... ...	£13 4s.
„ £5,000	... ...	£33 3s.

These are the whole of the profit costs allowed to the solicitor. The Court may in a proper case allow, in addition, the expense of copies, translations, and payments to witnesses, but they do not follow the event as of course. Dr. Sthamer also told me that, on the whole, the opinion formed with regard to the system by the members of his profession was that it was not sufficiently elastic to give due consideration to the variety of cases governed by it, in many of which exceptional work had to be done. He tells me the public like it because it is cheap and fairly certain—*i.e.*, it can be worked out approximately in little time and without much trouble. He tells me also that the solicitor is not at liberty to charge his client anything beyond the amount allowed by the scale, unless he obtains from such client an agreement in writing beforehand to make such extra payment. I think it will be unnecessary for me to point out to a body of practical solicitors that this system, in its results, is not one which they should covet for the government of cases in which they are called upon to act; and the alternative to it, which I would, with diffidence, suggest, is that, inasmuch as the commercial list is framed on the principle of the judge trying the case having seisin of it from the outset, and directing its course the whole way through, that so far as the merely formal and absolutely necessary steps are concerned—for instance, the issue and service of the writ—a fixed fee in every case should be allowed; that when the summons for directions comes before the judge he should upon it allow such sum as, in his opinion, the carrying out the directions which he gives will involve; and that on each subsequent application to him under the summons for directions he should, in like manner, allow fixed costs. There is nothing new in this suggestion, as it is done (except in so far as the costs of the order and working it out are concerned) by the chief clerks and judges in the Chancery Division in every case which comes before them. I would then suggest that it should be the duty of the solicitors on each side before going into court at the trial to fill up a form provided for the purpose, and which should shew—(1) the date of the commencement of the action; (2) the steps which have been taken; (3) the allowances which have been made; (4) the number of witnesses, and the amount payable to each; (5) the length of the brief and the accompanying documents; and (6) the fees paid to counsel. The judge will be fairly familiar with the history of the action, and having this material before him will be able to assess the costs to be paid by one side to the other there and then, thus saving time and the very considerable expense and delay incident to taxation. There is one obstacle to the practical application of this suggestion, and that is, that by reason of the counsel for the parties having every inducement to wrangle over items in court, in the same way that solicitors' common law clerks now wrangle about items before the taxing-masters, judicial time will be wasted. Possibly this may be the case at the outset; but I think it will be found in practice that the costs allowed by the judge in respect of each item of work will become so well known that the allowance of a certain sum for costs, in respect of certain items of work done, will become common form. It may be within the recollection of some gentlemen present that this idea was worked out by Lord (then Mr. Justice) Field when he was sitting in judges' chambers to settle the practice under the new rules of 1883, and that the fixed sums now allowed as costs in default of appearance and on judgments under Order XIV., where the amount claimed is under £50, are the outcome of his experience as to what was fair and proper to be allowed. If it were found impracticable for the judge to deal with the costs in open court at the hearing, there is no reason why he should not deal with them in chambers, at the sitting next after the date of trial of the action, the solicitor for the successful party supplying his adversary with a copy of the particulars above referred to beforehand. The result of the adoption of this system would be to obviate the expenses incident to the preparation and copying of the bill, affidavits of increase, attendances on the taxation, taxing fees, &c.; and I am convinced in my own mind that the resulting certainty in ascertaining and keeping down the costs would be gladly welcomed by the public in general, and commercial men in particular, and accepted by them as evidence of a desire on the part of our profession to meet their legitimate wishes; and my hope is that the practical effect of the working out of the suggestion will be that, at no distant date, it will be found possible and advantageous to frame rules for the government of the work in the commercial list, which rules will embrace the question of costs, and ultimately it will be found practicable to make such rules applicable not only to this but to every other branch of the court. I hope that the result of the suggestions which I have thrown out in this paper may be that gentlemen present will give their views upon the different points raised, and that a full discussion may take place, resulting in a committee of the council, assisted by some gentlemen outside having special experience, being formed for the purpose of formulating, at the proper time, a set of rules for recommendation to the Rule Committee. I should deprecate the bringing into existence any further or other rules during the time that Mr. Justice Mathew presides over the court, but I feel that it would be very difficult for any other judge to follow him without the experience which he has obtained of the working of the court being put into the shape of rules for his guidance and for the guidance of suitors. It is, of course, perfectly hopeless to attempt to get back to the courts the ordinary arbitration work which is now disposed of on the spur of the moment by persons well known in the different trades, and having a special technical knowledge, and who decide the questions brought before them at half an hour's notice, and at a minimum of expense to the parties. There are existing in all the important trades—for instance, the coffee, oil, and beet sugar trades—chambers of arbitration, having attached to them a registrar and a committee. I have made inquiry with regard to one of these—viz., the Beet Sugar Trade Chamber of Arbitration—and find that all members of the association are bound to enter into contracts connected with their business in the form laid down by the chamber; that such form embodies all the rules of the chamber, one of which provides for arbitration by the committee of the chamber. When this chamber came into existence some four years ago there were within its first year some 130 cases heard and disposed of by its council. This last year the number of cases did not exceed six, and the registrar informed me that this falling off in the quantity of work was entirely attributable to the fact that the decisions of the council given in previous cases arising on most of the rules under which controversy would be likely to arise were filed with him, and were so accessible to members that they practically amounted to a code of rules for the guidance of the trade in themselves. He also informed me that very seldom did lawyers appear for the parties; that the usual length of time from start to finish was four days, that the evidence was mostly taken in writing, and that the parties were bound down to accept the award of the committee. This class of work, I do not entertain any doubt, will never come to the courts at all; but there is a large quantity of work which has yet to be coaxed back to them, and I think it is only by our showing our clients that we have a genuine desire to provide them with the best material in the shortest space of time, and at a minimum of cost, that we shall succeed in our efforts to make the courts answer the fair and proper expectations and fulfil the wishes of the trading community. I hope the ventilation of the subject in this paper may tend to bring about this result, and should this happen I shall feel that my efforts have not been altogether wasted. I do not desire to attack the Bar as an institution, because it is obvious to all of us that it has done in the past, and is doing, excellent work; but I feel bound to point out, in concluding this paper, that it is this institution which is to a very considerable extent responsible for the length and amount of our bills of costs. I have resorted to the experiment of analysing the bill of costs in the action to which I have alluded above, as taxed for the purpose of ascertaining the proportion which such charges bear to the whole bill, and I find that out of a total of £260 the necessity for the employment of counsel is responsible for a little over one-third and this result happens although only a junior counsel was briefed at a fee of 20 guineas, the balance being made up of the charges for conferences, instructions for brief, brief and copy, and copies of other documents necessary to enable the barrister to learn that which was already well known to the solicitor. It appears to me, therefore, that so long as barristers retain their exclusive right of audience in litigious proceedings in the High Court, any considerable reduction in the costs necessary to be incurred by the solicitor in presenting his case to the court, be it the commercial court or any other, is rendered almost, if not quite, impossible.

County Courts.

Mr. F. D. Lowndes (Liverpool) read the following paper, entitled "Should the County Courts be made a branch of the High Court of Justice?"

Thirty years ago, when the annual meeting took place in this city, I read a paper, entitled "Law Reform in connection with the concentration of the Courts and Offices of Justice," being in anticipation of the erection of the Royal Courts of Justice. As you are all aware, a Royal Commission was subsequently appointed, known as the Judicature Commission, to consider the whole subject, of which Commission I had the honour of being a member. It is unnecessary to discuss the various important changes which have resulted from the report of the Commission, but I wish to call your attention to two recommendations set forth in the last report, which still remain to be fully carried into effect. These I consider of very great importance, and believe the present time to be opportune for their discussion. The first is, "That the county courts should be annexed to and form constituent parts or branches of the High Court of Justice." Upon this point I think it better to give the paragraph in full: "Assuming, in accordance with our previous recommendations, that there will be effected a consolidation of all the superior courts into a single great court of civil judicature—the Supreme or High Court of Justice—which will contain within itself the elements of all the original jurisdiction now vested in each and all of the courts to be consolidated, we recommend that the county courts should be annexed to and form constituent parts or branches of the proposed High Court of Justice. This would at once put an end to many of the anomalies, inequalities, and division of jurisdictions above adverted to, and to the uncertainty, expense, and delay to which litigants are now exposed from courts acting on conflicting rules. All original jurisdiction being centred in and exercised derivatively from the High Court, the extent and mode of its exercise would simply be a

question of distribution. Facilities would be given for the removal, transfer, and proper trial of causes and proceedings, due regard being had to the circumstances of the case and the wish of the litigants. It would no longer be necessary to preserve separate forms of procedure, and it would be possible to provide for the decision of common law, equity, admiralty, and bankruptcy demands by means of one uniform, simple procedure common to all jurisdictions." Within the last year or so, you are all aware, the practice of the High Court has been greatly simplified, and a suitor can now obtain judgment upon a writ in a defended action without any further pleadings than the indorsement on the writ. Why should not the county court suitor be placed in a similar position? And why should not the whole of the present county court practice and procedure be abolished, and, instead of a county court summons, a writ be issued even for the small sums which form the bulk of the proceedings? With the simplified practice which is already in use in the High Court, I do not conceive that the plaintiff in person who, in dealing with the county court, must be taken into consideration, would have any more difficulty in filling up a writ than he has at present in filling up a præcipe for the county court summons; and I do not see why a suitor in person should not be provided at the court with the form of writ in the same manner as he is now provided with the præcipe. I do not propose to discuss the exceptions which may be required, but it would, no doubt, be necessary to frame some special rules to deal with matters such as proceedings under the Friendly Societies and other Acts, and special provisions would have to be made for the bankruptcy business; I merely wish in this paper to emphasise the broad principle of one court of justice for the civil business of the whole country. It must be borne in mind, and was clearly stated before the Judicature Commission, that by far the greater part of the work of the county court is debt collecting, and not deciding disputed points. All of you who have practised in county courts must feel that the present system gives an unreasonable preference to the defendant, who in the majority of cases owes the money for which he is sued, and only desires delay. A plaintiff is frequently compelled to sue in a county court at a very great distance from the place where he and his witnesses reside, and a defendant is allowed to put the plaintiff to the inconvenience, and sometimes very heavy expense, of appearing in court to prove the debt, without any statement or affidavit being required from the defendant that he does not owe the amount sued for. There is at present very little doubt that the inconvenience and trouble of the county court process, combined with the heavy fees, deter many people from using that agency for collecting their debts. This brings us to the scale of fees, with reference to which the report reads as follows:—"The fees taken upon the various proceedings in the county court are stated to be oppressive, and to require considerable reduction and revision. It is not uncommon for parties to commence proceedings in a superior court owing to the circumstance that the first steps in an action in the superior court cost less than those in the county court. If the county courts become merged in the High Court, it will not be tolerated that a plaintiff in the inferior branch of the court should on entering his plaint for £20 have to pay £1 1s. as a court fee, while his neighbour will only pay 5s. for his writ for £2,000 in the superior branch of the court. We recommend that this anomaly should cease, and that scales of fees, to be taken by authority, be framed applicable to all proceedings in both branches of the High Court—the fees in the inferior branch of the court being lower than those in the superior branch." The High Court fee on a writ has now been increased to 10s., but in other respects the other facts stated in the report still continue. When Mr. Henry Nicol, the late superintendent of county courts, was examined before the Judicature Commission in May, 1870, he stated that the loss which the county court entailed upon the country amounted in the previous year to about £220,000. On looking at the judicial statistics for the year 1893 it would appear that this annual deficit has been very largely reduced, but that there is still a loss of over £100,000 per annum. Anyone trying to check the figures may find it a little difficult to do so; but I may state shortly that the sum voted by Parliament on the 28th of August last for the county courts was £451,800; whilst the fees taken in the county courts, and available for the purpose of paying county court expenses other than those charged on the Consolidated Fund, amounted for the year 1893 to £432,456, showing a loss on those figures of close on £20,000. In addition to this, the salaries and, I presume, the pensions of judges are chargeable on the Consolidated Fund. In the year 1870 these amounted to £92,700. The loss, therefore, may be put down at at least £100,000 a year. The estimate for the Royal Courts of Justice, brought in at the same time as those of the county courts, amounted to only £384,758, a smaller sum than that of the county courts. I am unable to give you the corresponding figures showing the receipts, but there can be little doubt that were the county courts a branch of the High Court the whole vote required would be very much less than the aggregate of these two votes, as considerable economies would be effected. The two fees which strike most people as excessive in the county courts are the fee on issuing a plaint and the hearing fee, and it certainly seems preposterous that the fee on issuing a plaint in the county courts for £15 should be more than that on issuing a writ in the High Court for £15,000. The fees to be taken in the county court, if it became a branch of the High Court, would, no doubt, require very careful consideration, but there does not seem to be any justification for charging a sum exceeding 10s. on issuing a plaint, except the argument that the county courts do not pay their expenses, and this, I venture to express a strong opinion, is not conclusive. You have only to look at the example of the Post Office to agree that a reduction of fees does not necessarily imply a reduction of income. It is probable that the fact that fees amounting to at least 2s. in the pound have to be paid before an order for payment of a debt can be obtained prevents an enormous amount of business being brought into the court; and if these fees were reduced, and the same facilities given as at present in the High Court for obtaining speedy judgment against a debtor who only desires to postpone the evil day of payment, the business would very rapidly increase in volume. In conclusion, I desire to point out that I have purposely refrained from going into any details in this short paper, my wish being rather to bring forward the matter for discussion at the present time, when an earnest attempt is being made to simplify and cheapen the administration of justice.

County Court Fees.

A paper by Mr. E. J. Trustram (London) was not read, owing to the lateness of the hour. We hope to print it hereafter.

Mr. C. H. Morton (Liverpool) believed that every solicitor in Liverpool would contradict Mr. Fullagar's statement that the present assize system there was as good as continuous sittings. It was most inconvenient. Lancashire contributed one-third of all the litigation of the country, and ought to have a judge to itself. He could be the junior judge, with the understanding that he was promoted as vacancies on the judicial bench arose.

Mr. G. P. Allen (Manchester) supported these remarks. It was felt very strongly in Manchester that there was a necessity for continuous sittings.

Mr. A. F. Ward (Liverpool) spoke to the same effect. The question had been taken up by mercantile bodies in Lancashire, and they intended to persist in their demands until their rights in this respect were recognized.

Mr. Todd pointed out that on the Continent there were continuous sittings in other towns than the capitals.

Mr. E. K. Blyth (London) said, with regard to the Long Vacation, that the holidays must be arranged so as to suit the convenience of the community, and that the vested interests of the two branches of the profession must give way to them.

Mr. F. R. Parker (London) pointed out that Mr. Rawle's paper raised a direct issue with the president's address. The president had said that the sooner the Long Vacation was done away with the better it would be for the clients, but Mr. Rawle was practically keeping up the Long Vacation in a modified form. The shortening to two months which he suggested was really only a shortening by thirteen days.

Mr. Pennington suggested that a resolution should be moved in the terms of that at the Norwich meeting, and they would then ascertain the feeling of the Liverpool solicitors.

Mr. Parker accordingly moved, "That the Long Vacation, as such, should be entirely abolished, and the courts and offices be opened continuously throughout the year, except during the usual short recess at Easter, Whitsuntide, and Christmas, or say for the week before Easter Sunday and the week after the last week of August and the first week of September, and the last ten days of December and the first four days of January, and the Bank Holidays of Whit-Monday and August, but that each officer of the court, from the highest to the lowest, should by rotation have a 'long vacation' at a convenient period during the year, to be arranged by the heads of departments."

Mr. Pennington seconded the motion.

Mr. Walters observed that as regarded London solicitors they were not at all unanimous about abolishing the Long Vacation. They did ask for breathing time. Industrious lawyers required a little rest.

The resolution was carried, 40 votes being given in its favour, and 7 against.

One Law for the Rich, and Another for the Poor.

A paper with this title, written by Mr. C. H. Pickstone (Radcliffe Bridge), was not read, owing to the late hour at which it was reached; but

The President observed that it would be circulated among the members together with that of Mr. Trustram.

The usual votes of thanks to the Lord Mayor and Corporation, to the Incorporated Law Society, and to other bodies were passed; and in the evening, at the invitation of the Liverpool Society, the visitors witnessed the performances at the Royal Court and the Shakespeare Theatres. On Friday there were excursions to Chester, Eaton Hall, Knowsley Hall, Hawarden Castle, and upon the Mersey and round the Welsh coast.

SOLICITORS' BENEVOLENT ASSOCIATION.

The seventy-fifth half-yearly meeting of the Solicitors' Benevolent Association was held at the Town Hall, Liverpool, on Thursday, the 10th inst., Mr. H. C. Beddoe (Hereford), chairman of the Board of Management, presiding.

The report stated that since the last half-yearly meeting eighty-six new members had been admitted. The total number of members now enrolled was 3,335; of these 1,120 were life, and 2,215 annual subscribers. Fifty-six life members were also contributors of annual subscriptions ranging from one to five guineas each. The total capital of the association now consists of £45,979 5s. 10d. stock, in addition to the sum of £5,368 18s. 6d., pertaining to the Reardon bequest. During the half-year ninety-nine grants had been made from the funds, amounting to £1,935 10s. Of this sum eight members and fifteen members' families had received £875, while eleven non-members and sixty-five non-members' families had received £1,060 10s. The sum of £62 10s. was also paid to annuitants from the income of the late Miss Ellen Reardon's bequest; £14 to the recipient of the Hollams Annuity, No. 1; £15 to the recipient of the Hollams Annuity, No. 2; and £15 to the recipient of the Victoria Jubilee Annuity.

The Chairman, in moving the adoption of the report, observed that this was the fourth time the association had met in Liverpool, where it was

practically born in 1856. From that time to the present it had given away something like £70,000. But the growing needs of the association rendered it necessary that the amount at its disposal should be largely supplemented. There were but 3,335 members, representing something like one-fifth of the whole profession, and it was most desirable that there should be an accession of subscribers.

Mr. R. PENNINGTON (London) seconded the motion, which was agreed to, and the directors and auditors were re-elected.

NEW ORDERS, &c.

TRANSFER OF ACTIONS.

ORDER OF COURT.

Tuesday, the 17th day of September, 1895.

I, Hardinge Stanley, Baron Halsbury, Lord High Chancellor of Great Britain, do hereby order that the actions mentioned in the schedule hereto shall be transferred to the Honourable Mr. Justice Vaughan Williams.

SCHEDULE.

Mr. Justice STIRLING (1895—V—No. 468).

Jacob Van den Burgh & Another v. T. C. & W. A. Crump (Limited).

Mr. Justice CHITTY (1895—H—No. 2,411).

James Robert Hutchinson (suing on behalf, &c.) v. The Denver Coal Company (Limited).

HALSBURY, C.

LEGAL NEWS.

OBITUARY.

Mr. PHILIP HENRY LAWRENCE, barrister, died on Tuesday at Brighton. Mr. Lawrence was admitted a solicitor in 1848, and established a considerable practice in London; but in 1872 he was called to the bar. He took an active part in forming the Commons' Preservation Society, and acted as its solicitor until he ceased to practise as a solicitor. He had a good practice at the bar, and was the author of a work on "The Compulsory Sale of Real Estate under the powers of the Partition Acts, 1868 and 1876."

Mr. ROBERT RANSOM, solicitor, Town Clerk and Clerk of the Peace of the Borough of Sudbury, Suffolk, died on the 15th inst., at the age of seventy-two years. Mr. Ransom was admitted in 1846, and was the head of the firm of Ransom & Sons, solicitors, of Sudbury.

APPOINTMENTS.

Mr. GEORGE HAROLD URMSON, barrister, Secretary to the Commissioners in Lunacy, has been appointed a Commissioner in Lunacy, in the place of Mr. Charles Palmer Phillips, deceased.

Mr. HARDINGE FRANK GIFFARD, barrister, has been appointed Secretary to the Commissioners in Lunacy, in the place of Mr. George Harold Urmson.

GENERAL.

We learn with great regret that Mr. Thomas Key, the recently-appointed Conveyancing Counsel to the Court, is dangerously ill.

The *St. James's Gazette* says that the vacancy on the Irish bench caused by the death of Mr. Justice Harrison will, it is rumoured, be filled by Mr. William Kenny, the present Solicitor-General for Ireland.

Mr. E. P. Price, Q.C., who recently retired from the position of Judge of the Norfolk County Courts (Circuit 32), has been presented by the registrars of the Norfolk County Courts with a massive silver salver and tea and coffee service, as a mark of esteem and respect and in remembrance of his uniform kindness.

In his opening speech on the hearing of an arbitration between the trustees of the Eyre Estate, St. John's Wood, and the Manchester, Sheffield, and Lincolnshire Railway Co., Sir E. Clarke stated that the trustees claim £450,000 as the value of the land, taken together with compensation for depreciation to the adjoining portions of the estate, and that this was the largest claim ever made against a railway company under the Lands Clauses Act.

The fifty-sixth annual report of the Deputy-Keeper of the Public Records has been issued. It states that in 1894 the number of applications for inspection of documents was 44,507. A calendar of the patent rolls from Edward I. to Henry VII. has been commenced at five separate points, and much of it is already in type. Mr. Gairdner is proceeding with the calendar of all historical documents in England relating to the reign of Henry VIII. Mr. W. J. Hardy, a son of the former Deputy-Keeper of the Records, has undertaken a calendar of the State papers (Domestic Series) of the reign of William and Mary.

At Shoreditch County Court, on the 10th inst., says the *St. James's Gazette*, Alfred Soule, a labourer, appeared on a judgment summons for the non-payment of a debt due for furniture. He entered the court with a jaunty air, his hands in his pockets, and chewing a long straw. Judge French: How can you pay this? The defendant: Nohow. The judge: What do you earn? The defendant: Nuffink. The judge: What offer do you make? The defendant: None. The plaintiff: He was earning good money all the summer. The judge: Is that so? The defendant: Yuss. The judge: 2s. a month, or ten days. The defendant: Oh, two bob or ten days? The judge: Yes. The defendant: Well, I'm blowed!

The following are the arrangements made for hearing probate and matrimonial causes during the ensuing Michaelmas sittings, viz.—Undefended matrimonial causes will be taken on the 24th, 25th, and 26th of October, and after motions each Monday during the sittings. Special jury causes will be proceeded with from Tuesday, October 29, to Saturday, November 23 inclusive. Probate and matrimonial special jury causes will form one list and be taken in the order in which they are set down. Common jury causes will be taken from Tuesday, November 26, to Saturday, December 7 inclusive. Probate and defended matrimonial causes for hearing before the Court itself will be tried on the 10th, 11th, 12th, 13th, 14th, 17th, 18th, 19th, 20th, and 21st of December. These cases will form one list. Summonses before the Judge will be heard at 11 o'clock, and motions will be heard in Court at 12 o'clock on Monday, October 28, and every succeeding Monday during the sittings.

Sir Harry Bodkin Poland, Q.C., Recorder of Dover, on taking his seat at the quarter sessions, was presented by the mayor (Sir W. H. Crundall), on behalf the town council and magistrates, with an illuminated address of congratulation upon the honour or knighthood which has just been conferered upon him. Mr. H. Croft, on behalf of the members of the bar practising at the Kent sessions, also congratulated the Recorder. Sir H. B. Poland, in acknowledging the congratulations, mentioned that the first case which he ever had in open court was at Dover in 1851. He was appointed Recorder in 1874, and he was glad to know that they felt that he had tried in that position to do his duty. Subsequently, Sir H. B. Poland was entertained at a banquet in the Dover Town Hall by the corporation and magistrates of the borough. Sir W. H. Crundall presided, and, in proposing the health of the recorder, requested, on behalf of the town council and magistrates, that Sir H. B. Poland would allow them to give a commission to an artist to paint his portrait to be hung in the Maison Dieu Hall. Sir H. B. Poland accepted the offer, and in his speech referred to the changes and improvements which had taken place in Dover since his first connection with the town in 1851.

WINDING UP NOTICES.

London Gazette.—FRIDAY, Oct. 11.

JOINT STOCK COMPANIES.

LIMITED IN CHANCERY.

ANITA STEAMSHIP CO, LIMITED—Creditors are required, on or before Nov 10, to send their names and addresses, and particulars of their debts or claims, to Joseph Shubrook, 9, Gracechurch st

BLACKBURN FALMOUTH CLUB CO, LIMITED—Creditors are required, on or before Nov 18, to send their names and addresses, and particulars of their debts or claims, to James Aspinall, Henry Whalley, and Henry Pickup, Blackburn. Walmsley & Yates, Blackburn, solors to liquidators

BRITISH STEAM GENERATOR AND REFUSE UTILIZATION CO., LIMITED—Petn for winding up, presented Oct 4, directed to be heard on Oct 30. Wrensted & Sharp, Gt Trinity lane, agents for Robinson & Co, Bradford, solors for petnr. Notice of appearing must reach the abovenamed Wrensted & Sharp not later than six o'clock in the afternoon of Oct 29

EDWARD COPE & Co, LIMITED—Petn for winding up, presented Oct 7, directed to be heard on Oct 30. Firth & Co., 77, Chancery lane, agents for Godfrey Rhodes & Evans, Halifax, solors for petnrs. Notice of appearing must reach the abovenamed not later than six o'clock in the afternoon of Oct 29

SEDDON, SHEPHERD, & Co, LIMITED.—Petn for winding up, presented Oct 3, directed to be heard on Wednesday, Oct 30. Hind & Robinson, 8, Stone bldgs, Lincoln's inn, solors for petner. Notice of appearing must reach the abovenamed not later than 6 o'clock in the afternoon of Oct 29

WOLVERAND GOLD MINES, LIMITED—Creditors are required, on or before Nov 30, to send their names and addresses, and the particulars of their debts or claims, to Dawe & Morris, Finsbury House, Blomfield st

FRIENDLY SOCIETY DISSOLVED.

COLEFORD V DISTRICT INDUSTRIAL CO-OPERATIVE SOCIETY, LIMITED, Gloucester rd, Coleford, Glos. Sept 28

London Gazette.—TUESDAY, Oct. 15.

JOINT STOCK COMPANIES.

LIMITED IN CHANCERY.

FRENCH AND AMERICAN WHITE LEAD SYNDICATE, LIMITED—Ptn for winding up presented on Oct 9, directed to be heard Oct 30. Thomson & Co, West st, Finsbury circus. Notice of appearing must reach the above-named not later than six o'clock in the afternoon of Oct 29

PRINCIPALITY CLUB CO, LIMITED—Creditors are required, on or before Nov 30, to send their names and addresses, and particulars of their debts or claims, to Samuel M. Wilkinson, 3, Working-street, Cardiff

STANDARD FOLDING BED CO, LIMITED—Creditors are required, on or before Nov 15, to send their names and addresses and the particulars of their debts or claims to Charles Henry Weatherley, 14, George-street, Mansion House. Snell & Co, George-street, solors for liquidator

FRIENDLY SOCIETIES DISSOLVED.

BARNET DISTRICT WINTER AID AND LABOUR BUREAU SOCIETY, Milton Villa, Strafford rd, Barnet, Herts. Oct 5

CROSS GREEN LODGE, Order of Druids Society, Horse Shoe Inn, Church Coppenhall, Crewe, Chester. Oct 5

SANCTUARY PRIDE OF THE NILE, Branch of the Ancient Order of Shepherds Society, Rouel Tavern, Rouel rd, Bermondsey. Oct 5

BANKRUPTCY NOTICES.

London Gazette.—FRIDAY, Oct. 11.

RECEIVING ORDERS.

ARRIGONI, JOHN, Camden Town, Organ Manufacturer High Court Pet Sept 10 Ord Oct 7

BISHOP, FRANCIS EDWIN, Staines, Boot Repairer Kingston Pet Oct 8 Ord Oct 8

BROWNE, FRANK ISAAC, Kingsland rd, Licensed Victualler High Court Pet Sept 13 Ord Oct 7

CARTRIDGE, JOHN G, Birmingham, Grocer Birmingham Pet Sept 21 Ord Oct 7

CHAPPELL, CHARLES WILLIAM, Goxhill, Lincs, Farmer Gt Grimsby Pet Oct 9 Ord Oct 9

CHILD, EDWARD, Radcliffe, Lancs, Labourer Bolton Pet Oct 8 Ord Oct 8

CLARSON, ROBERT, Tunstall, Staffs, Printer Hanley Pet Oct 8 Ord Oct 8

COGSWELL, EDMUND, Bedford st, Strand, Accountant High Court Pet Aug 15 Ord Oct 7

CONYERS, LEONARD, Keighley, Yorks, Plumber Bradford Pet Oct 7 Ord Oct 7

COOKE, HENRY, Thelwall, Cheshire, Farmer Warrington Pet Oct 8 Ord Oct 8

COPPEN, SYDNEY THOMAS, Mincing lane, E C, Tea Dealer High Court Pet Aug 26 Ord Oct 7

CRABTREE, CHARLES EDWIN, Manchester, Cotton Waste Merchant Manchester Pet Sept 23 Ord Oct 8

CRANE, JAMES, Nottingham, Law Student Nottingham Pet Sept 26 Ord Oct 7

CROMPTON, JOHN WALTER, Bolton, Insurance Agent Bolton Pet Oct 9 Ord Oct 9

DICKIE, ALFRED HERBERT, Mossbury rd, Clapham Junction, Licensed Victualler's Assistant Wandsworth Pet Oct 7 Ord Oct 7

DIXON, WALTER, Eythorne, Kent, Medical Practitioner Canterbury Pet Oct 9 Ord Oct 9

GIBSON, HENRY, Wakefield, Moulder Wakefield Pet Oct 7 Ord Oct 7

GREEN, ANTHONY, Churwell, Leeds, Butcher Leeds Pet Oct 8 Ord Oct 8

GROVES, CHARLES HENRY, Hove, Mantle Maker Brighton Pet Oct 9 Ord Oct 9

GUY, JOSEPH, and ARTHUR GOOSEMAN, Gt Grimsby, Builders Gt Grimsby Pet Sept 21 Ord Oct 7

HARRIS, JOHN, Bickington, Devon, Farmer Exeter Pet Oct 8 Ord Oct 8

HEITZMAN, WYBERT, Pontypridd, Watchmaker Pontypridd Pet Oct 7 Ord Oct 7

KEW, JAMES, Nottingham, Umbrella Maker Nottingham Pet Oct 7 Ord Oct 7

LYNDON, EMILY, Bordesley, Birmingham, General Wheelwright Birmingham Pet Aug 30 Ord Oct 9

MANNE, SAMUEL, Edgware rd, Tailor High Court Pet Oct 8 Ord Oct 8

RAMSDEN, THOMAS, Bolton, Tailor Bolton Pet Oct 4 Ord Oct 7

RICHARDSON, HARRY, Finsbury sq, Estate Agent High Court Pet Oct 10 Ord Oct 10

ROBERTSON, DUNCAN, Blaengarw, Glam, Boot Dealer Cardiff Pet Oct 7 Ord Oct 7

SIMPSON, RICHARD, Burnley, Joiner Burnley Pet Oct 8 Ord Oct 8

SKERTCHLY, JOHN PRYOR, Leicester, Grocer Leicester Pet Oct 9 Ord Oct 9

SLATER, GEORGE, Tywith, Glam, Painter Cardiff Pet Oct 4 Ord Oct 4

STONE, JAMES, Worthing, Coal Merchant Brighton Pet Sept 23 Ord Oct 7

STYAN, JAMES ROBERT, Kirkgate, Wakefield, Stationer Wakefield Pet Oct 9 Ord Oct 9

TATTERSALL, ORMEROD, Nelson, Lancs, Butcher Burnley Pet Oct 9 Ord Oct 9

THOMAS, RICHARD BAXENDALE, and JOE THOMAS, Halifax, Cloth Merchants Bradford Pet Oct 2 Ord Oct 5

WALKER, SEPTIMUS AUGUSTUS, Kingston on Thames, Solicitor High Court Pet Oct 8 Ord Oct 8

WATSON, THOMAS, Willington Quay, Northumberland, Contractor Newcastle on Tyne Pet Oct 7 Ord Oct 7

WILLACY, HARRIET, Liverpool, Baker Liverpool Pet Oct 8 Ord Oct 8

WILLIAMS, HENRY, Peckham, Provision Merchant High Court Pet Oct 8 Ord Oct 8

WYLAM, JASPER, Midsomer Norton, Somerset, Butcher Wells Pet Oct 7 Ord Oct 7

Amended Notice substituted for that published in the London Gazette of the 27th September:—

CAREWYNNE, EDITH MARY, Hyde Park, Spinster High Court Pet July 22 Ord Sept 23

Amended notices substituted for those published in the London Gazette of the 4th Oct.:—

CASTLE, HARRIS, Cheetham, Draper Manchester Pet Oct 2 Ord Oct 2

SUMMERS, HARRY BLANCHARD, Latchford, Boot Dealer Warrington Pet Sept 17 Ord Sept 30

FIRST MEETINGS.

ADAMS, SARAH ELIZABETH, Southsea, Draper, Spinster Oct 22 at 3 Off Rec, Cambridge Junction, High st, Portsmouth

AURELIUS, JOHN, Newport, Licensed Victualler Oct 22 at 3 Off Rec, Gloucester Bank chmbrs, Newport, Mon

BAGGALEY, JOSEPH, Woodhouse, Notts, Grocer Oct 18 at 12 Off Rec, St Peter's Church walk, Nottingham

BARNS, WILLIAM AMOS, St Mary Bourne, nr Andover, Hants Oct 21 at 2.45 Star Hotel, Andover

BENARD, CHARLES SOLOMON, White Horse lane, Stepney, Estate Agent Oct 22 at 11 Bankruptcy bldgs, Carey st

BROWNE, FRANK ISAAC, Kingsland rd, Licensed Victualler Oct 18 at 12 Bankruptcy bldgs, Carey st

BURTON, JOSEPH ANDREW, Nottingham, Bicycle Manufacturer Oct 18 at 11 Off Rec, St Peter's Church walk, Nottingham

CASTLE, HARRIS, Cheetham, Draper Oct 18 at 2.30 Ogden's chmbrs, Bridge st, Manchester

CHILD, EDWARD, Radcliffe, Lancs, Labourer Oct 19 at 11 16, Wood st, Bolton

CLOUGH, ALFRED, Scarisbrick, nr Southport, Railway Porter Oct 22 at 2 Off Rec, 35, Victoria st, Liverpool

COXON, ARTHUR, Wrexham, Gunsmith Oct 18 at 12 The Priory, Wrexham

DAVIES, EDWARD, Green lanes, Harringay Park, Gent Oct 19 at 11.30 Off Rec, 95, Temple chmbrs, Temple avenue

DOUGHTY, WALTER, Cranworth, Norfolk, Publican Oct 19 at 11.30 Off Rec, 8, King st, Norwich

EDWARDS, JOHN, Rhyl, Flintshire, Builder Oct 21 at 11.30 Royal Hotel, Rhyl

ELLIOTT, NICHOLAS GOSSELIN, Cheltenham, Gent Oct 19 at 4 County Court bldgs, Cheltenham

FIDELL, EMMA, JABEZ FIDELL, and EDWIN FIDELL, Walkerith, nr Gainsborough, Timber Merchants Oct 22 at 12 Off Rec, 31, Silver st, Lincoln

FOREMAN, STEPHEN, Spalding, Lincolnshire, Labourer Oct 18 at 11.30 Law Courts, New rd, Peterborough

HOBBS, WILLIAM, Roath, Cardiff, Fruit Dealer Oct 22 at 11 Off Rec, 29, Queen st, Cardiff

HUNT, JAMES CHARLES, Hentstridge, Somerset Oct 18 at 12 30 Off Rec, Salisbury

JORDAN, MAX, Manchester, Merchant Oct 18 at 3.30 Ogden's chmbrs, Bridge st, Manchester

MACBETH, HERBERT VICTOR, Stretford, Lancs, Tailor Oct 13 at 3 Ogden's chambers, Bridge street, Manchester

MANNE, SAMUEL, Edgware rd, Tailor Oct 21 at 11 Bankruptcy bldgs, Carey st

MCKENNA, JAMES, Salisbury, Wilts, Horse Trainer Oct 18 at 1.15 Off Rec, Salisbury

MOFFATT, THOMAS SPENCER, Old Jewry, Managing Director Oct 21 at 12 Bankruptcy buildings, Carey street

PALMER, GEORGE SMITH, Brixton, Chemist's Manager Oct 21 at 2.30 Bankruptcy bldgs, Carey st

PANNETT, JOSEPH DANIEL, Swansea, Stationer Oct 18 at 2.30 Off Rec, 31, Alexandra rd, Swansea

PEARCE, FRED MARTIN, Portsmouth, Fruiterer Oct 22 at 3.30 Off Rec, Cambridge junction, High st, Portsmouth

PHILLIPS, SOLOMON, Newport, Mon, Clothier Oct 18 at 3 23, Colmore row, Birmingham

PICKUP, JOHN, Burnley, Lancs, Butcher Nov 14 at 2 Exchange Hotel, Nicholas st, Burnley

PUGH, HUGH, Portmadoc, Carnarvonshire, Miller Oct 31 at 11.45 Police Court, Portmadoc

RAMSDEN, THOMAS, Bolton, Tailor Oct 18 at 3 16, Wood st, Bolton

REES, WILLIAM, Pontardulais, Glam, Stationer Oct 19 at 11.30 Off Rec, 31, Alexandra rd, Swansea

RICHARDSON, HARRY, Gt Garden st, Whitechapel, Estate Agent Oct 21 at 1 Bankruptcy bldgs, Carey st

SAYERS, FRANK HENRY, Lowestoft, Photographer Oct 19 at 12 Off Rec, 8, King st, Norwich

SCOTT, WILLIAM, Silverstone, Northamptonshire, Bootmaker Oct 19 at 12.30 County Court bldgs, Northampton

SHARPE, JOHN EDWIN, Lincoln, Journeyman Tailor Oct 22 at 11.30 Off Rec, 31, Silver st, Lincoln

SLATER, GEORGE, Tywith, nr Maesteg, Glam, Painter Oct 22 at 11.30 Off Rec, 29, Queen st, Cardiff

WARBURTON, ROBERT WILLIAM, Twickenham, Boot Dealer Oct 21 at 3 Off Rec, 95, Temple chmbrs, Temple avenue

WATKINS, WILLIAM, Whitchurch, Herefordshire, Farmer Oct 22 at 3.30 Off Rec, Gloucester Bank chmbrs, Newport, Mon

WILES, JOHN, Gt Grimsby Oct 19 at 11 Off Rec, 15, Osborne st, Gt Grimsby

WILLIAMS, JAMES, Hafod, Swansea, Saddler Oct 18 at 12 Off Rec, 31, Alexandra rd, Swansea

WINTER, BERNARD WILLIAM, Tuxford, Notts, Saddle Maker Oct 22 at 12.30 Off Rec, 31, Silver st, Lincoln

ADJUDICATIONS.

AURELIUS, JOHN, Newport, Licensed Victualler Newport Mon Pet Sept 9 Ord Oct 9

CARPENTER, THOMAS, Wadhurst, Sussex, Horse Dealer Tunbridge Wells Pet Oct 2 Ord Oct 7

CHAPPELL, CHARLES WILLIAM, Goxhill, Lincs, Farmer Gt Grimsby Pet Oct 9 Ord Oct 9

CHILD, EDWARD, Radcliffe, Lancs, Labourer Bolton Pet Oct 7 Ord Oct 8

CLARSON, ROBERT, Tunstall, Staffs, Printer Hanley Pet Oct 8 Ord Oct 8

CLOUGH, ALFRED, Scarisbrick, Southport, Railway Porter Liverpool Pet Sept 23 Ord Oct 8

CONYERS, LEONARD, Keighley, Yorks, Plumber Bradford Pet Oct 7 Ord Oct 7

COOKE, HENRY, Thelwall, Cheshire, Farmer Warrington Pet Oct 8 Ord Oct 8

CROMPTON, JOHN WALTER, Bolton, Insurance Agent Bolton Pet Oct 9 Ord Oct 9

DIXON, WALTER, Eythorne, Kent, Medical Practioner Canterbury Pet Oct 2 Ord Oct 9

EVANS, FREDERICK JAMES, Streethay, Lichfield, Market Gardener Walsall Pet Sept 30 Ord Oct 5

FISHWICK, THOMAS, Appledore, Devon, Sailmaker Barnstaple Pet Sept 9 Ord Oct 7

GIBSON, HENRY, Wakefield, Moulder Wakefield Pet Oct 7 Ord Oct 7

GREEN, ANTHONY, Churwell, Leeds, Butcher Leeds Pet Oct 8 Ord Oct 8

HARRIS, JOHN, Bickington, Devon, Farmer Exeter Pet Oct 8 Ord Oct 8

HEDLEY, BERNARD, Dawlish, Draper Exeter Pet Sept 19 Ord Oct 7

HODGKINSON, ROBERT, Hanley, Machine Dealer Hanley Pet Aug 8 Ord Oct 8

JACOBSON, ISAAC, Tunstall, Paint Dealer Hanley Pet Sept 9 Ord Oct 8

JORDAN, MAX, Manchester, Merchant Manchester Pet Sept 18 Ord Oct 8

KEW, JAMES, Nottingham, Umbrella Maker Nottingham Pet Oct 7 Ord Oct 7

LEE, HERBERT SPENCER, Russell sq, Author High Court Pet Aug 17 Ord Oct 5

LACEY, CHARLES, Bitton, Glos, Engine Driver Bristol Pet Sept 24 Ord Oct 9

MCKENNA, J, Salisbury, Horse Trainer Salisbury Pet July 12 Ord Oct 8

RAMSDEN, THOMAS, Bolton, Tailor Bolton Pet Oct 3 Ord Oct 7

RICHE, WILLIAM, Glastonbury, Watchmaker Wells Pet Aug 13 Ord Oct 1

ROBERTS, JOSEPH, Shoreditch, Draper High Court Pet Sept 11 Ord Oct 5

ROBERTSON, DUNCAN, Blaengarw, Glam, Outfitter Cardiff Pet Oct 7 Ord Oct 7

ROBERTSON, JOHN, Manchester, Watchmaker Manchester Pet Oct 1 Ord Oct 5

SANDON, JAMES, Luton, Bedfordshire, Hatter Luton Pet Sept 24 Ord Oct 1

SIMPSON, RICHARD, Burnley, Lancs, Joiner Burnley Pet Oct 8 Ord Oct 8

SKERTCHLY, JOHN PRYOR, Leicester, Grocer Leicester Pet Oct 8 Ord Oct 9

SLATER, GEORGE, Tywith, nr Maesteg, Glam, Painter Cardiff Pet Oct 4 Ord Oct 4

STYAN, JAMES ROBERT, Kirkgate, Wakefield, Stationer Wakefield Pet Oct 9 Ord Oct 9

TATTERSALL, ORMEROD, Nelson, Lancs, Butcher Burnley Pet Oct 9 Ord Oct 9

THOMAS, JOHN, Porth, Glam, Builder Pontypridd Pet Sept 25 Ord Oct 8

WARNER, ALFRED, Railway Arches, Chelmsford, Corn Merchant Chelmsford Pet Aug 17 Ord Oct 4

WATSON, THOMAS, Willington Quay, Northumberland, Contractor Newcastle on Tyne Pet Oct 5 Ord Oct 7

WYLAM, JASPER, Midsomer Norton, Somersetshire, Butcher Wells Pet Oct 7 Ord Oct 7

London Gazette.—TUESDAY, Oct. 15.

RECEIVING ORDERS.

BANWELL, ALFRED, Stroud, Glos, Licensed Victualler Gloucester Pet Oct 11 Ord Oct 11

BINNS, JOHN HARRISON, and FREDERICK WILLIAM BINNS, Bradford, Dyers Bradford Pet Oct 10 Ord Oct 10

BORRILL, HENRY EDWIN, Barrow on Humber, Farmer Gt Grimsby Pet Oct 10 Ord Oct 10

BOULTBEE, RICHARD, Buckingham, Licensed Victualler Banbury Pet Sept 28 Ord Oct 9

BRAUND, HERBERT, Manchester, Bank Clerk Manchester Pet Sept 2 Ord Oct 10

BROMLEY, WILLIAM HARRIS, Corsham, Wilts, Builder Bath Pet Oct 8 Ord Oct 8

BROSNAHAN, WILLIAM, Anerley, Surrey Croydon Pet July 23 Ord Oct 8

BROUGHTON, FREDERICK GRANTHAM, Croydon rd, Beckenham, Commission Agent Croydon Pet Aug 8 Ord Oct 8

BUCKLEY, JOHN CHARLES, Church, Lancs, Cotton Manufacturer Blackburn Pet Sept 28 Ord Oct 11

BULLOCK, GEORGE, Stourbridge, Licensed Victualler Stourbridge Pet Oct 8 Ord Oct 8

CARTER, ESTHER MATILDA, Birmingham, Gun Furniture Dealer Birmingham Pet Oct 12 Ord Oct 12

CULL, WILLIAM STRANGE, Badbrook, Stroud, Clerk Gloucester Pet Oct 11 Ord Oct 11

FLINT, EDMUND GRIFFIN, Bloxham, Oxfordshire, Baker Banbury Pet Oct 10 Ord Oct 10

FURNESS, JOHN ROBINSON, Eastbourne, Timekeeper Stockton on Tees Pet Oct 11 Ord Oct 11

GOTOBED, THOMAS, Southery, Norfolk, Farmer King's Lynn Pet Oct 11 Ord Oct 11

GREGG, GEORGE, Yorks, Baker York Pet Oct 10 Ord Oct 10

GRIGG, EMMA, and RICHARD ARTHUR GRIGG, Botusfleming, Cornwall, Farmer Plymouth Pet Oct 12 Ord Oct 12

HALL, FREDERICK LEMON, Theobald's rd, Butcher High Court Pet Oct 12 Ord Oct 12

HANCOCK, WILLIAM CRICK, Halberton, Devonshire, Miller Exeter Pet Oct 8 Ord Oct 9

HOWARD, JOHN, the younger, Gt Yarmouth, Butcher Gt Yarmouth Pet Oct 10 Ord Oct 10

KEY, THOMAS, Wem, Salop, Butcher Shrewsbury Pet Oct 10 Ord Oct 10

KNUDSON, CONRAD AUGUST, Swansea, Shipwright Swansea Pet Oct 11 Ord Oct 11

LAUGHTON, JOSEPH, Barnsley, Yorks, Corn Merchant Barnsley Pet Oct 10 Ord Oct 10

LIDDICOAT, SIMON ARNEAR, Gorran, Cornwall, Farmer Truro Pet Oct 11 Ord Oct 12

LYON, WOLFE SIMON, Fulham rd, Auctioneer High Court Pet Oct 12 Ord Oct 12

MASTERMAN, ARTHUR JOB, Weymouth, Builder Dorchester Pet Oct 11 Ord Oct 11

MAW, PERCY, Chesterfield, Auctioneer Chesterfield Pet Oct 10 Ord Oct 10

MILES, FRANCIS, Bridlington Quay, Yorks, Coal Dealer Scarborough Pet Oct 10 Ord Oct 10

MOORE, HARRY, Portland rd, Kensington, Pawnbroker Barnet Pet Sept 11 Ord Oct 10

NICHOLS, WILLIAM JAMES, St Paul's, Bristol, Plumber Bristol Pet Oct 10 Ord Oct 12

PICKARD, JOHN, Pontefract, Yorks, Grocer Wakefield Pet Oct 10 Ord Oct 10

PICKERING, JAMES, North Riding of Yorks, Grocer Scarborough Pet Oct 12 Ord Oct 12

PILKINGTON, JAMES, Leeds, Butcher's Assistnt Leeds Pet Oct 9 Ord Oct 9

PLENTY, CHARLES, Wincanton, Somerset, Commission Agent Yeovil Pet Oct 12 Ord Oct 12

POWELL, WILLIAM, Leicester, Grocer Leicester Pet Oct 11 Ord Oct 11

PRITCHARD, THOMAS, Tynrallt, Newborough, Anglesey, Labourer Bangor Pet Oct 10 Ord Oct 10

RADCLIFFE, CHRISTOPHER, Grange over Sands, Lancs, Cab Proprietor Ulverston Pet Oct 10 Ord Oct 10

RADCLYFFE, FRANCES LOUISA, Broke rd, Dalston High Court Pet Oct 10 Ord Oct 10

REYNOLDS, WILLIAM HERBERT, Norwich, Coachbuilder Norwich Pet Oct 12 Ord Oct 12

ROBINSON, EZEKIEL, Shudehill, Manchester, Bristol Merchant Manchester Pet Sept 19 Ord Oct 11

ROBINSON, JOHN FREDERICK, Marsh, Huddersfield, Boot Maker Huddersfield Pet Oct 9 Ord Oct 9

ROBINSON, THOMAS, Ashborne, Derbyshire, Late Printer Burton on Trent Pet Oct 5 Ord Oct 10

SAGE, WILLIAM GEORGE, Aberaman, Aberdare, General Dealer Aberdare Pet Oct 11 Ord Oct 11

SEWELL, GEORGE HENRY, Leamington, Licensed Victualler Warwick Pet Sept 19 Ord Oct 9

SMITH, EDWARD, Astwick, nr Baldock, Farmer Bedford Pet Oct 9 Ord Oct 9

STEWART, DANIEL, Halifax, Veterinary Surgeon Halifax Pet Oct 10 Ord Oct 11

STOKES, G W, Spencer rd, South Hornsey, Builder High Court Pet Sept 21 Ord Oct 10

STOREY, HUGH, Sheffield, Brewer's Traveller Sheffield Pet Sept 27 Ord Oct 10

SUTCLIFFE, WILLIAM, Harrogate, Yorks, Butcher York Pet Oct 8 Ord Oct 8

TIFFIN, MARY ANN, Birch, Essex, Butcher Colchester Pet Oct 10 Ord Oct 10

WILSON, HENRY, St Anne's on the Sea, Joiner Preston Pet Oct 11 Ord Oct 11

The following amended notice is substituted for that published in the London Gazette of Oct. 8:—

WIDDOWS, FRANK ARTHUR, and JOHN HOWARD, Liverpool, Colliery Proprietors Liverpool Pet Aug 20 Ord Oct 2

FIRST MEETINGS.

ARRIGONI, JOHN ANGELO, Camden Town, Organ Manufacturer Oct 22 at 12 Bankruptcy bldgs, Carey st

BADDELEY, WILLIAM HENRY, Hanley, Builder Oct 24 at 12 Off Rec, Newcastle under Lyme

BADMAN, CHARLES JAMES, and FRANCIS THEODORE BADMAN, Holcombe, Somerset, Contractors Oct 23 at 12 Off Rec, Bank chmbrs, Corn st, Bristol

BARRY, JOHN JOSEPH, Birmingham, Estate Agent Oct 23 at 11 23, Colmore row, Birmingham

BINNS, JOHN HARRISON, and FREDERICK WILLIAM BINNS, Bradford, Dyers Oct 23 at 11 Off Rec, 31, Manor row, Bradford

BOORMAN, JOHN WITHERDEN, Maidstone, Warehouseman Oct 30 at 11.15 Off Rec, Week st, Maidstone

BROMLEY, WILLIAM HARRIS, Corsham, Builder Oct 23 at 3 Off Rec, Bank chmbrs, Corn st, Bristol

BUSWELL, ALFRED, Welford, Northamptonshire, Ale Merchant Oct 24 at 12.30 Off Rec, 1, Berridge st, Leicester

CARPENTER, THOMAS, Wadhurst, Sussex, Horse Dealer Oct 22 at 2.30 Spencer & Hother's, Dudley rd, Tunbridge Wells

CASWELL, JOSEPH, Wolverhampton, Brewer's Manager Oct 23 at 11 Off Rec, Wolverhampton

CLARSON, ROBERT, Tunstall, Staffs, Printer Oct 24 at 3 Off Rec, Newcastle under Lyme

CONYERS, LEONARD, Keighley, Yorks, Plumber Oct 24 at 11 Off Rec, 31, Manor row, Bradford

COOKE, HENRY, Thelwall, Cheshire, Farmer Oct 25 at 11.40 Court house, Upper Bank st, Warrington

DAVEY, HENRY JAMES, Bristol, Furniture Remover Oct 23 at 11.30 Off Rec, Bank chmbrs Corn st, Bristol

DIXON, WALTER, Eythorne, Kent, Medical Practitioner Oct 25 at 9.15 Off Rec, Canterbury

EAST, WILLIAM, Birmingham, Bicycle Manufacturer Oct 26 at 11 23, Colmore row, Birmingham

EDMUNDS, BENJAMIN, Blackwood, Mon, Grocer Oct 22 at at 12 65, High st, Merthyr Tydfil

EVANS, FREDERICK JAMES, Streethay, nr Lichfield, Market Gardener Oct 22 at 11.30 Off Rec, Walsall

FISHWICK, THOMAS, Appledore, Devonshire, Sailmaker Oct 22 at 2 Off Rec, Hammett st, Taunton

FORD, HERBERT SAMUEL, Devizes, Wilts, Commission Agent Oct 23 at 12.30 Off Rec, Bank chmbrs, Corn st, Bristol

GIBSON, HENRY, Wakefield, Yorks, Moulder Oct 22 at 10 Off Rec, 6, Bond terrace, Wakefield

GREEN, ANTHONY, Churwell, nr Leeds, Butcher Oct 23 at 12 Off Rec, 22, Park row, Leeds

GREGG, GEORGE, Harrogate, Yorks, Baker Oct 25 at 12.30 Off Rec, 28, Stonegate, York

HALL, ALEXANDER THOMAS, Eastgate, Leicester, Tea Merchant Oct 24 at 11 23, Colmore row, Birmingham

HAMPER, HENRY, and HARRY HAMPER, Old Broad st, Hosiers Oct 22 at 11 Bankruptcy bldgs, Carey st

HANCOCK, WILLIAM CRICK, Halberton, Devonshire, Miller Oct 31 at 11 Off Rec, 13, Bedford circus, Exeter

HARDAKER, WILLIAM, Kirkdale, Lancs, Boatman Oct 28 at 2 Off Rec, 35, Victoria st, Liverpool

HARRIS, JOHN, Bickington, Devonshire, Farmer Oct 22 at 11 Off Rec, 13, Bedford circus, Exeter

HARVEY, JOSEPH HENNELL, Heaton, Newcastle on Tyne, Agent Oct 25 at 11.30 Off Rec, Pink lane, Newcastle on Tyne

JACOBSON, ISAAC, Tunstall, Staffs, Dealer in Paints Oct 24 at 10.30 Off Rec, Newcastle under Lyme

KEW, JAMES, Nottingham, Umbrella Maker Oct 22 at 12 Off Rec, St Peter's Church walk, Nottingham

KEY, THOMAS, Wem, Salop, Butcher Oct 25 at 11.30 Off Rec, 42, St John's hill, Shrewsbury

THE LANTWIT MERTHYR COLLIERY COMPANY, Britonferry, Glam, Colliery Proprietors Oct 28 at 12 Off Rec, 31, Alexandra rd, Swansea

LEE, HARRY, Stoke upon Trent, Ironmonger Oct 24 at 11 Off Rec, Newcastle under Lyme

MEE, PERCY, Chesterfield, Auctioneer Oct 24 at 3 Angel Hotel, Chesterfield

MELLOR, JOHN, Oldham, Lancs, Tailor Oct 22 at 11 Off Rec, Bank chmbrs, Queen st, Oldham

PEARCE, ALFRED, Accrington, Fish Salesman Nov 13 at 1.30 County Court House, Blackburn

ROBERTS, JOSEPH, Shoreditch, Draper Oct 22 at 12 Bankruptcy bldgs, Carey st

ROBINSON, JOHN FREDERICK, Huddersfield, Boot Maker Oct 23 at 3 Off Rec, 19, John William st, Huddersfield

SEWELL, GEORGE HENRY, Licensed Victualler Oct 22 at 12.30 Off Rec, 17, Hertford st, Coventry

SHAW, MARY JANE, Armley, Leeds, Milliner Oct 23 at 11 Off Rec, 22, Park row, Leeds

STRINGER, THOMAS, Swansea, Provision Merchant Oct 22 at 12 Off Rec, 31, Alexandra rd, Swansea

SUMMERS, HARRY BLANCHARD, Latchford, Cheshire, Boot Dealer Oct 25 at 10.45 Court House, Upper Bank st, Warrington

SURTEES, ROBERT WATSON, Hove, Sussex, Coal Merchant Oct 22 at 12 Off Rec, 4, Pavilion bldgs, Brighton

SUTCLIFFE, WILLIAM, Harrogate, York, Butcher Oct 24 at 12.30 Off Rec, 28, Stonegate, York

THOMAS, RICHARD BAXENDALE, and JOB THOMAS, Hipperholme, Halifax, Cloth Merchants Oct 23 at 11 Off Rec, 31, Manor row, Bradford

WALKER, SEPTIMUS AUGUSTUS, Kingston on Thames, Solicitor Oct 24 at 11 Bankruptcy bldgs, Carey st

WATSON, THOMAS, Willington Quay, Northumberland, Contractor Oct 25 at 12 Off Rec, Pink lane, Newcastle on Tyne

WILLIAMS, HENRY, Gt Tower st, Merchant Oct 24 at 12 Bankruptcy bldgs, Carey st

WYLAM, JASPER, Midsomer Norton, Somerset, Butcher Oct 23 at 1 Off Rec, Bank chmbrs, Corn st, Bristol

ADJUDICATIONS.

ARRIGONI, JOHN ANGELO, Camden Town, Organ Manufacturer High Court Pet Sept 10 Ord Oct 11

BANWELL, ALFRED, Stroud, Licensed Victualler Gloucester Pet Oct 11 Ord Oct 11

BARTLETT, JOHN THOMAS, Clapton, Government Pensioner High Court Pet Sept 24 Ord Oct 11

BISHOP, FRANCIS EDWIN, Staines, Boot Repairer Kingston, Surrey Pet Oct 8 Ord Oct 12

BORRILL, HENRY EDWIN, Barrow on Humber, Farmer Gt Grimsby Pet Oct 10 Ord Oct 10

BROMLEY, WILLIAM HARRIS, Corsham, Builder Bath Pet Oct 8 Ord Oct 8

BROWN, FRANK ISAAC, Kingsland rd, Licensed Victualler High Court Pet Sept 13 Ord Oct 10

BULLOCK, GEORGE, Stourbridge, Licensed Victualler Stourbridge Pet Oct 8 Ord Oct 8

CARMAN, THOMAS HENRY, Gipsy Hill, Norwood, Publican High Court Pet Sept 5 Ord Oct 9

COFFEN, SYDNEY THOMAS, Mincing lane, Tea Dealer High Court Pet Aug 26 Ord Oct 12

CULL, WILLIAM STRANGE, Badbrook, Stroud, Clerk Gloucester Pet Oct 11 Ord Oct 11

DAVEY, HENRY JAMES, Bristol, Furniture Remover Bristol Pet Oct 2 Ord Oct 10

DICKIE, ALFRED HERBERT, Mossbury rd, Clapham Junction Wandsworth Pet Oct 3 Ord Oct 10

FLINT, EDMUND GRIFFIN, Bloxham, Oxfordshire, Baker Banbury Pet Oct 10 Ord Oct 10

FURNESS, JOHN ROBINSON, Eastbourne, Timekeeper Stockton on Tees Pet Oct 10 Ord Oct 11

GOTOBED, THOMAS, Southery, Norfolk, Farmer King's Lynn Pet Oct 10 Ord Oct 11

GREGG, GEORGE, Harrogate, Yorks, Baker York Pet Oct 11 Ord Oct 11

HALL, FREDERICK LEMON, Theobald's rd, Butcher High Court Pet Oct 12 Ord Oct 12

HANCOCK, WILLIAM CRICK, Halberton, Devonshire, Miller Exeter Pet Oct 7 Ord Oct 9

HOWARD, JOHN, the younger, Gt Yarmouth, Butcher Gt Yarmouth Pet Oct 3 Ord Oct 10

KNUDSON, CONRAD AUGUST, Swansea, Shipwright Swansea Pet Oct 11 Ord Oct 11

LAUGHTON, JOSEPH, Barnsley, Yorks, Corn Merchant Barnsley Pet Oct 9 Ord Oct 10

LIDDICOAT, SIMON ANNEAR, Gorran, Cornwall, Farmer Truro Pet Oct 11 Ord Oct 12

MASTERMAN, ARTHUR JOB, Weymouth, Builder Dorchester Pet Oct 10 Ord Oct 11

MCINNES, JOHN, Milton, nr Lymington, Builder Southampton Pet Aug 30 Ord Oct 10

MILES, FRANCIS, Bridlington Quay, Yorks, Coal Dealer Scarborough Pet Oct 9 Ord Oct 10

MONTAGUE, CHARLES, Gt Russell st, Bloomsbury, Medicine Proprietor High Court Pet Aug 30 Ord Oct 9

NICHOLS, WILLIAM JAMES, St Paul's Bristol, Plumber Bristol Pet Oct 10 Ord Oct 12

PICKARD, JOHN, York, Grocer Wakefield Pet Oct 10 Ord Oct 10

PICKERING, JAMES, North Riding of Yorkshire, Grocer Scarborough Pet Oct 11 Ord Oct 12

PILKINGTON, JAMES, Leeds, Butcher's Assistant Leeds Pet Oct 9 Ord Oct 9

PLENTY, CHARLES, Wincanton, Somerset, Commission Agent Yeovil Pet Oct 12 Ord Oct 12

POWELL, WILLIAM, Leicester, Late Grocer, Leicester Pet Oct 11 Ord Oct 11

POWELL, ROGER WILLIAM, West Bromwich, Baker West Bromwich Pet Sept 30 Ord Oct 10

PRITCHARD, THOMAS, Newborough, Anglesey, Labourer Bangor Pet Oct 10 Ord Oct 10

RADCLIFFE, FRANCES LOUISA, Dalston High Court Pet Oct 10 Ord Oct 10

RICHARDSON, HARRY, Great Garden st, Whitechapel, Estate Agent High Court Pet Oct 10 Ord Oct 10

ROBINSON, JOHN FREDERICK, Marsh, Huddersfield, Boot Maker Huddersfield Pet Oct 9 Ord Oct 9

ROBINSON, THOMAS, Ashbourne, Derbyshire, Printer Burton on Trent Pet Oct 5 Ord Oct 10

SAGE, WILLIAM GEORGE, Aberaman, Aberdare, General Dealer Aberdare Pet Oct 11 Ord Oct 11

SEWELL, GEORGE HENRY, Leamington, Licensed Victualler Warwick Pet Sept 19 Ord Oct 9

STOREY, HUGH, Sheffield, Brewer's Traveller Sheffield Pet Sept 27 Ord Oct 12

SUTCLIFFE, WILLIAM, Harrogate, Yorks, Butcher York Pet Oct 8 Ord Oct 10

TIFFIN, MARY ANN, Birch, Essex, Butcher Colchester Pet Oct 10 Ord Oct 10

WILLIAMS, HENRY, Great Tower st, Provision Merchant High Court Pet Oct 8 Ord Oct 9

WILSON, HENRY, St Annes on the Sea, Joiner Preston Pet Oct 11 Ord Oct 11

SALES OF ENSUING WEEK.

Oct. 23.—Messrs. FARRERBOTHER, ELLIS, CLARK, & Co., at the Mart, at 2, Freehold Properties and Investment (see advertisement, p. 4).

Oct. 24 and 25.—Messrs. DRESENHAM, TEWSON, FARMER, & BRIDGWATER, at the Mart, at 12, Freehold Estate at Ilford Park (see advertisement, p. 4).

Oct. 25.—Messrs. BAKER & SON, at the Mart, at 2, Freehold Building Sites at Kensington and a Freehold Residence at Mill Hill (see advertisement, p. 3).

All letters intended for publication in the "Solicitors' Journal" must be authenticated by the name of the writer.

Where difficulty is experienced in procuring the Journal with regularity, it is requested that application be made direct to the Publisher.

Subscription, PAYABLE IN ADVANCE, *which includes Indexes, Digests, Statutes, and Postage*, 52*s.* WEEKLY REPORTER, *in wrapper*, 26*s.*; *by Post*, 28*s.* SOLICITORS' JOURNAL, 26*s.* 0*d.*; *by Post*, 28*s.* 0*d.* *Volumes bound at the office—cloth*, 2*s.* 9*d.*, *half law calf*, 5*s.* 6*d.*

TYNE IMPROVEMENT COMMISSION.

ISSUE OF £250,000 3 PER CENT. MORTGAGES

(Under the Authority of the Tyne Improvement Acts).

THE TYNE IMPROVEMENT COMMISSIONERS are prepared to receive Tenders for Loans at the rate of 3 per cent. per annum interest, for the purpose of paying off existing mortgages at higher rates.

The loans will be secured on the Tyne Consolidated Fund, and be repayable at par either on the 1st November, 1945; or—at the option of the Commissioners—on, or at any time after, the 1st November, 1915, on their giving six months' previous notice in writing to the Mortgagee.

Tenders must be for not less than £10, and when exceeding that amount, for sums which shall be multiples of £10, and must be made on the printed form, and the prices offered must not include fractions of a shilling other than sixpence.

Tenders at different prices must be on separate forms.

No tender will be accepted at less than par.

Tenders addressed to me, the undersigned, at this office, marked on the envelope "Loan," will be received up to Eleven o'clock a.m. on Thursday, the 24th October, 1895.

No Tender will be dealt with unless it is on the printed form.

The Commissioners reserve the right to accept or refuse any Tender.

A deposit of 10 per cent. on the nominal amount of loans tendered for must be forwarded with the Tender, and the balance must be paid on or before 12 o'clock at noon on Friday, the 1st November, 1895, to the Commissioners' Bankers, Messrs. Hodgkin, Barnett, Pease, Spence, & Co., Newcastle-on-Tyne.

Where the amount accepted is less than that tendered for, the deposit will be applied towards payment of the amount allotted.

Where no Tender is accepted the deposit will be returned in full.

Interim Receipts will be given for all amounts paid, and such Receipts, with the Letter of Allotment, must be forwarded to the undersigned to be exchanged for the Mortgage Security.

The Mortgages will be prepared by the Commissioners free of expense to the lenders, and all property executed and stamped transfers of the mortgages will be registered in the books of the Commissioners without charge for registration.

Interest will be paid on the 1st April and 1st October each year, by Interest Warrant, to "Order," which will be sent by post to the registered address of the Mortgagee, or of any person authorized by him to receive the same. The first interest will accrue from 1st November, 1895.

All mortgages granted by the Commissioners since the passing of the Tyne Improvement Act, 1881, rank equally.

The authorised borrowing power of the Commissioners amounts to £4,312,000.

Under the provisions of their Special Acts, all money borrowed by the Commissioners is to be paid off within 50 years from June, 1897.

The amount of the Mortgage Debt at the 30th September last was £4,202,810 18s. 3d., of which £3,920,434 18s. 3d. ranks *pari passu*, and the balance (£282,376) has at present a priority.

The sum of £173,896 0s. 0d. owing to the Public Works Loan Commissioners, included in this balance, will be at once paid off out of the moneys received under the proposed issue which will rank *pari passu* with the £3,920,434 18s. 3d.

For the last five years the gross revenue receipts and the revenue surpluses have been as follows—viz.:

	Gross Revenue.	Surplus Revenue, after payment of all charges for Interest, Maintenance, and Management.
1890 ...	£305,632 9 5	... £42,665 18 8
1891 ...	308,732 8 0	... 41,736 7 2
1892* ...	282,677 10 9	... 15,936 15 9
1893 ...	306,565 18 9	... 43,166 19 5
1894 ...	332,976 0 0	... 61,750 9 0

* 12 weeks' strike of miners in the county of Durham.

The increasing trade of the Tyne is indicated by the following statement of the tonnage of vessels which used the port in the undermentioned periods—viz.:

	Net Registered Tonnage.
1874	4,762,379
1881	6,084,363
1888	6,648,516
1894	8,232,340

The gross revenue has gradually increased from £170,904 19s. 11d. in 1874 to £332,976 in 1894, or nearly 95 per cent.

The Tyne is the principal coal port in the kingdom, and has a large and important trade in imports and exports of general merchandise. The shipments of coal and coke in 1894 reached the large total of 12,155,665 tons.

It is also one of the most important shipbuilding centres in the country.

The various works undertaken by the Commissioners—comprising the construction of extensive sea piers at the mouth of the harbour, deep-water docks and shipping places, and the deepening and widening of the river for a distance of 19 miles—are rapidly nearing completion, and the Tyne is now one of the safest and most commodious trading harbours in the world.

Prospectuses and Forms of Tender may be obtained on application to the undersigned.

By Order,

ROBERT URWIN,
Secretary.

Tyne Improvement Commission, Newcastle-upon-Tyne, 10th October, 1895.